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James Thompson
Dec. 25th 1836
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# T H E R E M E M B R A N C E R.

*An Account of the late DISTURBANCES in LONDON.*

**A**N Act of Parliament having passed in the last Session, repealing certain restrictions on the Roman Catholics, caused many apprehensions, amongst many well-meaning Protestants \*. An attempt to grant a similar favour to the Roman Catholics in Scotland, had been resisted in that country with great violence; the mob had risen in several places and pulled down the houses of several Roman Catholics. These violences so alarmed the Roman Catholics in Scotland, that they begged the laws relating to them, in Scotland, might not be altered. Lord

\* Abstract of the Act, intituled, "An Act for relieving his Majesty's subjects professing the Popish religion, from certain penalties and disabilities imposed on them by an act made in the eleventh and twelfth years of the reign of King William the Third, intituled, An Act for the further preventing the Growth of Popery."

The preamble recites, that it is expedient to repeal certain provisions in the Act of King William; and the clauses repealed are as follow:

"That so much of the said Act as relates to the apprehending, taking, or prosecuting of Popish Bishops, Priests, or Jesuits; and also so much of the said Act as subjects Popish Bishops, Priests or Jesuits, and Papists, or persons professing the Popish religion, and keeping schools, or taking upon themselves the education or government or boarding of youth, within this realm, or the dominions thereto belonging, to perpetual imprisonment; and also so much of the said Act as disables persons educated in the Popish religion, or professing the same, under the circumstances therein mentioned, to inherit or take by descent, devise, or limitation, in possession, reversion, or remainder, any lands, tenements, or hereditaments, within the kingdom of England, dominion of Wales, and town of Berwick upon Tweed, and gives

to the next of kin, being a Protestant, a right to have and enjoy such lands, tenements, and hereditaments; and also so much of the said Act as disables Papists, or persons professing the Popish religion, to purchase any manors, lands, profits out of lands, tenements, rents, terms, or hereditaments, within the kingdom of England, dominion of Wales, or town of Berwick upon Tweed, and makes void all and singular estates, terms, and other interests or profits whatsoever out of lands, to be made, suffered, or done, from and after the day therein mentioned, to or for the use or behoof of any such person or persons, or upon any trust or confidence, mediately or immediately, for the relief of any such person or persons; shall be, and the same, and every clause and matter and thing herein before mentioned, is and are hereby repealed.

"And be it enacted by the authority aforesaid; That every person or persons having or claiming any lands, tenements, or hereditaments, under titles not hitherto litigated, though derived from any descent, devise, limitation, or purchase, shall have, take, hold, and enjoy the same; as if the said Act, or any thing therein contained, had not been made; any thing in the said Act contained to the contrary notwithstanding, &c."

George Gordon was at the head of an Association, which was called the Protestant Association, which animated this resistance, and at length obtained success.

This success in Scotland is said to have given birth to a similar Association in London, for the same purpose, that is, for preventing the increase of Popery. This Association was also called the Protestant Association, and Lord George Gordon was chosen President of it. The first object of this Association, after a Committee had been chosen, was to draw up and present a petition to the House of Commons, requesting a repeal of the above Act.

The alarm which had been given by that Act had reached to several parts of the kingdom, and petitions to the same purpose came from many of them, most of which were presented to the House by Lord George Gordon. No notice was taken of any of these matters by Government. The Committee of the Protestant Association frequently met and proceeded as they thought proper. The petition was publicly advertised to be signed by all those who approved of it. In May, 1780, Lord George Gordon published the following advertisement:

**PROTESTANT ASSOCIATION.**

"This is to give notice, That in compliance with a petition addressed to the President, the Committee have resolved that there shall be another general meeting of the Protestants before the London petition is presented to the House of Commons.

"The petition will not be presented this week, but will be kept till towards the close of this Session of Parliament, to give time for similar petitions from other parts of England, Wales, and Scotland, to be presented before it.

"All the true friends of Great Britain, and of civil and religious

liberty, are exhorted to unite in support of the Protestant interest before it was too late; for unanimity and firmness in that glorious cause can alone protect us from the *dangerous confederacy of Popish powers*. If we unite, like one man, for the honour of God, and the liberties of the people, we may yet experience the blessing of Divine Providence on this kingdom, and love and confidence may again be restored amongst brethren. But if we continue obstinate in errors, and spread idolatry and corruption through the land, we have nothing to expect but *division among the people, distraction in the Senate, and discontent in our camps, with all the other calamities attendant on those nations whom God has delivered over to arbitrary power and despotism*.

G. GORDON, President.  
*Wellbeck-street, London, May 8.*

"\* \* \* Those of London and its environs who wish the repeal of the late Popish Bill, are desired to sign the Protestant Petition, which they may have access to at the President's house in Wellbeck-street, every day before four o'clock."

On the 29th of May, in pursuance of a public advertisement, there was a meeting of the Protestant Association, at Coachmakers Hall. At half past six o'clock in the evening, the Hall was quite full, and exceedingly crowded; Lord George Gordon took the chair exactly at seven, and addressed the meeting for near half an hour; his Lordship observed, that the Popish Bill was carried through both Houses of Parliament with such amazing rapidity, that the people had not time to form an opposition, or to make themselves acquainted with the pernicious consequences that must attend its passing into a law; that the indulgence given to Popery, by the repeal of the act of William the Third, was inconsistent with the principles of the Revolution, had a tendency

to endanger the succession in the House of Hanover, and threatened destruction to the civil and religious liberty of this country. His Lordship read an extract from a Popish Catechism, lately published (he said) by a Popish Printer, in London, and dispersed among the ignorant and unthinking part of the community; likewise an indulgence, granted by the Pope, this present year, to his Holy Catholic subjects, and saints in this Heretic Country; and from these publications his Lordship bid the people form an idea of the rapid and alarming progress that Popery was making in this kingdom; and the only way to stop it was by going in a firm, manly, and resolute manner to the House, and shew their representatives, that they were determined to preserve their religious freedom with their lives. That, for his part, he would run all hazards with the people; and if the people were too lukewarm to run all hazards with him, when their conscience and their country call them forth, they might get another President, for he would tell them candidly, that he was not a lukewarm man himself, and that if they meant to spend their time in mock debate and idle opposition, they might get another leader.

This speech was received with the loudest acclamations of applause, and his Lordship then moved the following resolution: "That the whole body of the Protestant Association do attend in St. George's Fields, on Friday next, at ten o'clock in the morning, to accompany his Lordship to the House of Commons, on the delivery of the Protestant petition," which was carried unanimously, with repeated bursts of applause. His Lordship then informed them, that if less than twenty thousand of his fellow citizens attended him on that day, he would not present their petition; and for the better observance of order, he

moved, that they should arrange themselves in four divisions; the Protestants of the city of London on the right, those of the city of Westminster on the left, the borough of Southwark third, and the people of Scotland, resident in London and its environs, to form the last division; and that they might know their friends from their enemies, he added, that every real Protestant, and friend of the petition, should come with blue cockades in their hats. In consequence of this, the following advertisement was published the next day:

#### PROTESTANT ASSOCIATION.

"Whereas no hall in London can contain twenty thousand men,

"Resolved, That this Association do meet on Friday next in St. George's Fields, at ten o'clock in the morning, to consider of the most prudent and respectful manner of attending their petition, which will be presented the same day to the House of Commons.

"Resolved, for the sake of good order and regularity, That this Association, on coming to the ground, do separate themselves into four distinct divisions, viz. the London division, the Westminster division, the Southwark division, and the Scotch division.

"Resolved, That the London division do take place upon the right of the ground towards Southwark, the Westminster division second, the Southwark division third, and the Scotch division upon the left, all wearing blue cockades in their hats, to distinguish themselves from the Papists, and those who approve of the late Act in favour of Popery.

"Resolved, That the Magistrates of London, Westminster, and Southwark, are requested to attend, that their presence may overawe and controul any riotous or evil-minded persons, who may wish to disturb the legal and peaceable depopulation, of

his Majesty's Protestant subjects.

"By Order of the Association,  
G. GORDON, President."

*London, May 29.*

Accordingly on the 2d of June (Friday) a prodigious concourse of people assembled in St. George's Fields, where, notwithstanding the heat (for it was a very hot day) they patiently waited for their leader. About eleven o'clock Lord George Gordon came—they received him with great acclamations. He marched them in four different bodies, according to their four divisions of London, Westminster, Southwark, and Scotland, three or four times round St. George's Fields, after which his Lordship left them, proceeding in his carriage over Westminster-bridge, to the House of Commons.

The Committee, with several other members of the Society, went the same way; the rest took their route over London-bridge, marching through Cornhill, Cheapside, &c. towards Westminster, following their respective banners, on which was written the name of the division, with the words "No Popery," &c.

In St. George's Fields, previous to the march, a person was employed to tack together the different skins, signed by the petitioners, composing a very large roll, which was carried on a man's head. When they came towards Charing-cross, they were joined by fresh numbers, some on horseback and in coaches, who proceeded with them to the House. As they passed by the churches, they gave them three cheers. The Admiralty was also saluted by them as they passed; and by the time they came to New Palace-yard, the company which passed over Westminster-bridge having joined them, their numbers were so large, the Old Palace-yard, with Westminster-hall, and all the avenues, about both Houses of Parliament, were filled with them.

In this situation they waited the arrival of the Members of both Houses, many of whom were very roughly treated by them, in their way to the House. Among these, their principal vengeance fell upon the Peers, particularly on the Archbishop of York, whose carriage they stopped, and greatly insulted him; the Lord President, whom they seized, jostled, and kicked his legs; Lord Mansfield, whom they stopped, and reviled to his face; Lord Stormont, whose carriage they took possession of for near half an hour, getting upon the box, wheels, taking liberties with his Lordship's person, but a gentleman jumped into the carriage, and prevailed upon the populace to desist. The Duke of Northumberland was also roughly treated, and lost his watch. Lord Boston was treated with great severity, and with great difficulty was rescued. The Archbishop of Canterbury, with the Bishops of Lincoln and Litchfield, met with nearly the like treatment, the former having the wheels of his carriage torn off, and escaping himself with difficulty. The Archbishop's wig was pulled about, and his gown torn. Besides these, the Lords Hillsborough and Townshend (who were together in the same carriage) with Lord Willoughby de Broke, and Lord Athburnham, were roughly handled, the two former losing their bags, and the two latter being buffeted about for some time. Lord St. John and Lord Dudley received likewise strong marks of the rioters' resentment.

Of the House of Commons, Mr. Strahan and Wellbore Ellis, Esq. experienced a deal of rough treatment. The former had his carriage damaged, and the last mentioned gentleman was pursued to the Guildhall, Westminster, the windows of which the populace broke, and then getting at the object of their pursuit, treated

treated him with much roughness. Lord Trentham likewise received a good deal of insult.

Such of the members of either House as were acceptable to them, were received with three cheers: among these were the Dukes of Gloucester, Devonshire, Richmond, and Roxborough; the Earl of Shelburne, Lord Camden, Bishop of Peterborough, Aldermen Hayley, Bull, &c.

The Chaplain to the House came to the top of the gallery in the House of Commons, and in a pathetic manner exhorted the people to save themselves and their families from destruction, and to reflect that they were injuring their cause by their irregular behaviour.

To quell this riotous proceeding, Lord Mahon harangued the mob from the leads of the House of Peers. Several other members made the most laudable exertions, but all in vain; for when Lord North came, it was with difficulty he was permitted to pass up stairs, where he was stopped by several of the members of the Association, and obliged to pledge his word, that he would support the Protestant cause, as conducted by Lord George Gordon. Lord Geo. Germain too, on his arrival, was much hissed and groaned at, and porter thrown in his face. Many other members were sworn to support the cause.

The behaviour of Lord George Gordon was very extraordinary. He came out of the House of Commons several times to the top of the gallery stairs, whence he harangued the people, and let them know the bad success their petition was like to meet with. He told them first, that it was proposed to take it into consideration on Tuesday in a Committee of the House, but that he did not like delays, for the Parliament might be prorogued by that time.

He came again, and said he saw

little reason to hope redress from the decisions of Parliament—that they should meet again—that they ought not to despair, but to put their trust in Providence.

He came a third time, and said, “Gentlemen, the alarm has gone forth for many miles round the city. You have got a very good Prince; who, as soon as he shall hear the alarm has seized such a number of men, will no doubt send down private orders to his Ministers to enforce the prayer of the petition.”

Alderman Sawbridge and others endeavoured to persuade the people to clear the lobby, but to no purpose; and about nine o'clock different Members conjured them in the most earnest and pathetic manner to disperse, informing them at the same time of their danger, and of the resolution that was taken to send for the Guards. The young gentleman, the Assistant to the Chaplain of the House of Commons, addressed them, but was answered with curses, and Lord George Gordon for ever!

The greatest part of the day the attention of the House of Commons had been taken up in debates concerning the mob. When they had obtained some degree of order, Lord George introduced his business, with informing them, that he had before him a petition signed by near one hundred and twenty thousand of his Majesty's Protestant subjects, praying “A Repeal of the Act passed the last session in favour of the Roman Catholics,” and moved to have the said petition brought up. Mr. Alderman Bull seconded the motion, and leave was accordingly given.

Having brought up the petition, his Lordship then moved to have it taken into immediate consideration, and was again seconded by Mr. Alderman Bull. After some debate the House divided, and their appeared six for the petition, and one hundred

hundred and ninety-two against it. Soon after this the House adjourned to June 6. Many of the petitioners thought this adjournment very impolitic, as by it the petition was left in suspense, which they considered an ill omen.

About nine o'clock a party of horse and foot arrived; the former of which were drawn up in Palace-Yard, the latter lined all the avenues to the House, and a Captain's guard was stationed in the Court of Requests. Justice Addington then, after receiving a salute of hisses, at the head of the horse, assured the people that his disposition towards them was perfectly amicable; as a proof of which, he declared he would order the horse away, if they would give him their honour that they would disperse. This succeeded, the cavalry galloped off, and upwards of six hundred of the petitioners, giving the Magistrate three cheers, retired very quietly.

But in the night they collected in different parties, and in different parts of the town. About eleven one party assembled at the Romish Chapel behind the Sardinian Minister's House, in Lincoln's-Inn Fields; they broke open the doors of the chapel, tore up the seats, altar, &c. and brought them into the street, where they made a fire of them, and burned every moveable they could find; among which was a fine picture, valued at two thousand pounds. Another party committed the like outrage at another Romish Chapel, situated behind the house of the Bavarian Minister, in Golden-square. In this chapel, or in some of the apartments belonging to it, they are said to have found large quantities of tea, and other dry goods, supposed to have been smuggled. These reports increased their resentment. If it be true, that any foreign Minister has made use of his privilege to so infamous a purpose, the outrages

of one side are at least equalled by the baseness of the other.

The Guards were sent for to both these chapels, but came too late to prevent the destruction of their contents. However, twelve of the rioters were seized, and the rest dispersed.

*Saturday, June 3.* The twelve persons who had been seized, were brought before the Justices Wright and Addington, in Bow-street, when, after a long examination, they were committed. The principal witness against the prisoners was Mr. Rainsforth, the King's tallow-chandler, of Clare-street, Clare-market, who swore, that on the alarm of the fire, he, with some friends, went to Duke-street, and there seeing the danger, came back, and called the guards from Somerset-house; when headed by peace-officers, they proceeded to the chapel, and there secured all they found within. Mr. Rainsforth also gave the particulars of several skirmishes in securing them. Mr. Maberley also swore to securing some others, and Mr. Clark, of Bow-street, to taking the principal actors in destroying the chapel. Six of them were committed to Newgate.

There was no disturbance this day. But next day,

*Sunday, June 4.* The mob collected again, and assembled in and about Moorfields, where a Romish chapel had been lately built, and adjoining to it was a Romish school, &c. these they forced open, and brought all the benches, furniture, &c. &c. into the street, and there burned them. The military were sent for, and were present, but having no orders to act, they were spectators. The Lord-Mayor was also present with part of the civil power, but did not venture to interfere. Among the spectators were Lord Beauchamp, Hon. Edward Foley, &c. Lord Beauchamp complained of the

the Lord-Mayor's inactivity on this occasion; and on the 9th of June, in the evening, the Lord-Mayor was cited before the Privy Council, to answer the complaint. The defence he made was unworthy the character of the Chief Magistrate of the metropolis. The sense of it was, that his timidity was so great, he was afraid death would be his portion if he had interfered.

*Monday, June 5.* This day the populace were very riotous in Ropemakers-alley, Moorfields; they continued to burn every thing they could find in the Chapel, School-house, and dwelling-houses belonging to the Roman Catholic people; they took every piece of wood they could find, and burned it, the roof of the buildings not escaping. They pulled down a house belonging to a Roman Catholic School-master in Moorfields in about one hour, which, when done, some thousands went to a Popish school, in Charles-Square, Hoxton. Guards were placed at the Sardinian and Bavarian Ambassadors chapels, night and day.

At half past four o'clock in the afternoon, notice was given to the Lord Mayor, that some thousands of people were again assembled near Moorfields, whereupon his Lordship, attended by proper officers, went there to read the Riot Act, but a party of horse and foot guards were sent for, which came immediately, to protect his Lordship from being insulted by the populace.

The persons taken up on suspicion of being concerned in the riots, &c. at the Sardinian and Bavarian Ambassadors chapels, last Friday night, were finally examined before the Magistrates in Bow-street, and one Bund, a foreigner, being proved by several witnesses to have been seen coming out of the Bavarian Ambassador's chapel in Warwick-street, whilst it was in flames, and an altar cloth, called an *Antependium*,

and a door belonging to the said Ambassador, being found in the prisoner's lodgings, he was committed for trial, and the parties bound to give evidence in the Court of King's Bench.

A large party of the guards attended in Bow-street during the above examinations, which continued from ten in the morning till half after three in the afternoon.

This evening the populace attacked Mr. Rainsforth's house, in Clare-street, ransacked it from top to bottom, and threw his stock of candles, bags of cotton, furniture, &c. into the street, and set them on fire in different piles.

About half past ten another party collected before the house of Mr. Maberley, in Little Queen-street, Lincoln's-Inn-Fields, which they demolished, both before and behind, in like manner, destroying a fine front lately erected to his shop.

Between twelve and one o'clock a large number of people assembled before Sir George Savile's house in Leicester-Fields, and after breaking all the windows, they soon stripped it of its most valuable furniture, which they piled up, and burnt before the door. On the arrival of a party of the horse grenadier guards they dispersed.

Another number of people assembled in Charles-square, Hoxton, and approached Mr. Bridgewater's Academy; they charged him with being a Papist? He answered that he was a Protestant, not a Papist. But you teach the children delivered to your care the Popish tenets? He answered, I teach the children the Old and New Testament, agreeable to the principles of the Church of England, as by law established. They then asked Mr. Bridgewater if he was willing that six or seven of them should go through his house in a peaceable manner? He answered Yes. Seven men did go into every room



room in his house; they committed no outrage, but behaved in a sober, quiet, and orderly manner.

This evening a Court of Aldermen was hastily called for the purpose of taking into consideration what should be done to quell the present tumults in Ropemakers-alley, Moorfields, but there not being a sufficient number of Aldermen present, a summons was ordered to be issued for the Aldermen to meet on the next morning at nine o'clock precisely, and to order all the constables of their ward to be in Guildhall at the same time, which was accordingly done, and the Lord-Mayor acquainted the Court that he had received two letters from the Lords Stormont and Hillborough, Secretaries of State, requiring his Lordship to take such methods to quiet the disturbance and prevent mischief being done as may be most adviseable: his Lordship further acquainted the Court, that he had attended with what civil power he could collect, for the purpose of preventing the outrages which were threatened by the populace, but that he could not allay their fury, that the chapel was demolished, and several houses also, supposed to be inhabited by Roman Catholics; he therefore desired the assistance of the Court in protecting the quiet of the city, and prevention of any future tumults, &c.

After a debate, the Marshals attending were called in, and ordered to provide two large bodies of constables in addition to the ward constables, and to place one division on the spot where the riot happened, and the other in such convenient place that they might be in readiness (if occasion called) to give their assistance to preserve the peace, and that they to be relieved every six hours.

On Tuesday, June 6. This morning the following advertisement appeared in all the morning newspapers:

#### PROTESTANT ASSOCIATION.

Whereas many riotous persons on Friday last, after the petition of this Association was presented to the Honourable the House of Commons, did tumultuously stop the passage to both Houses of Parliament, and grossly insulted the persons of many of the Members; and afterwards proceeded with violence to destroy the chapels belonging to foreign Ambassadors (so sacred to all countries) to the great breach of the peace, the disturbance of private persons and families, and to the disgrace of the best of causes.

Resolved unanimously, That all true Protestants be requested to shew their attachment to their best interest by a legal and peaceable deportment, as all unconstitutional proceedings, in so good a cause, can only tend to prevent the Members of the Legislature from paying due attention to the united prayers of the Protestant Petition.

By order of the Committee,

G. GORDON, President.

London, June 5, 1780.

And this morning the following Proclamation appeared:

By the KING.

#### A PROCLAMATION.

GEORGE R.

Whereas it has been represented to Us, that a great number of persons, in consequence of advertisements or hand-bills inciting them thereto, did, on Friday last, the 2d of this instant June, assemble in a riotous and tumultuous manner in St. George's-fields, in the county of Surry, from whence they proceeded in several bodies to Palace-yard, Westminster, surrounded both Houses of Parliament, and possessed themselves of the avenues to the same, (the said Houses of Parliament being then sitting,) where they continued in a riotous and tumultuous manner, committing great outrages and violence against several of our subjects, and feloniously

ously taking money from them; after which, in the evening of the same day, they insulted and attacked the houses of some of the public Ministers of foreign Princes and States, residing at our Court, and broke into, spoiled, and set fire to chapels, which in every civilized country are allowed to such public Ministers for the free exercise of the religion of their country, to the great scandal and offence of all truly pious and good Protestants; We, therefore, in order that the reproach of so frantic and atrocious an outrage against the precepts of religion, as well as the obligations of all laws, may not remain a disgrace to Our kingdom, but may be confined to the authors, abettors, and perpetrators of the said outrage, and that they may be brought to speedy and condign punishment, and that such dangerous and wicked practices may hereafter be prevented, have thought fit, by and with the advice of our Privy Council, to publish and declare Our resolution to put the laws in force against such offences: and we do hereby enjoin and require all Justices of the Peace, Sheriffs, Mayors, Bailiffs, Constables, and all other our loving subjects, to be aiding and assisting to the utmost of their power in suppressing such illegal and tumultuous assemblies, and in detecting, apprehending, and bringing to justice the persons concerned in assembling or instigating the same, and guilty of any of the violences above-mentioned: And for the better detection of the persons who were concerned in the outrages committed at the houses of the said Public Ministers, We are graciously pleased to promise, that if any person shall discover any other person or persons who, directly or indirectly, were concerned in pulling down, or beginning to pull down, or in setting fire to the chapel of any Public Minister, so as that the person or persons discovered

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may be prosecuted for the same, such discoverer shall have and receive, as a reward upon conviction of such offender or offenders, the sum of Five Hundred Pounds, and also our gracious pardon for the said offence, in case the person making such discovery shall himself be liable to be prosecuted for the same, except the person who first broke into, or began to pull down or set fire to the said chapels. And the Commissioners for executing the office of Treasurer of our Exchequer, are hereby required to make payment of the said rewards accordingly.

Given at our Court at St. James's,  
the 5th day of June, 1780, in  
the twentieth year of our reign.  
GOD save the KING.

The number of persons who assembled this day in the environs of the Parliament House (Parliament having on Friday last adjourned to this day) was the greatest ever known. They did not, as before, regularly assemble in St. George's Fields, but came in separate parties, at different times, and by several ways. About half past one o'clock, several parties of light horse were stationed near the Parliament House, and the avenues leading to the House of Commons were lined with the foot guards; the doors of Westminster-hall were shut, and it was with great difficulty that any members could get admittance to the House; the carriages of such members as did not think themselves obnoxious, were marked on the panels, "No Popery, and the member's name." About three o'clock, Lord Sandwich attempted to go down to the House, but could get no farther than the corner of Bridge-street, when the populace attacked him, and insisted on his turning back, which his Lordship refusing, the windows of his chariot were broke,

and

and several stones thrown at him. Colonel Smith, attended by Justice Hyde, and a party of light horse, rescued his Lordship, and escorted him safe to the Admiralty. Mr. Hyde appeared active with the military, during the whole day; and a notion having got among the mob, that he had made use of some harsh expressions respecting them, he was one of the first sufferers, in this night's mischief,

About four o'clock, about two hundred members got into the House; Lord George Gordon was observed, by Colonel Herbert, to have a blue cockade in his hat, which the Colonel, in an angry tone, desired him to take out, or he would go across the House and take it out for him. Lord George complied. Four resolutions were agreed to, viz. 1st. That it was a breach of privilege to interrupt the members coming to the House. 2d. That the King be desired to make good the damages, to the Foreign Ministers by destroying their chapels. 3. That the Attorney-general be ordered to prosecute the rioters. 4th. That the House will take the Protestant petition into consideration when the tumults have subsided. And then adjourned to the 8th.

The mob which surrounded the Parliament House this day, and filled all the streets leading to it, did not consist of the same persons who attended the petition on Friday last: many of those were orderly people; but the mob of this day, which had been strengthened during the afternoon, by large parties armed with sticks, bludgeons, &c. and carrying flags, were, indisputably, another set of people. The mob this day, consisted almost wholly of men and boys of the lowest rank.

When the House of Commons was up, Lord George Gordon came out, and informed the populace what had been done in the House; upon which they took the horses

from his carriage, and drew him off in great triumph. The soldiers were occasionally insulted, but they behaved remarkably steady and quiet. Nothing further being expected from Parliament, and Lord George Gordon gone, the remainder of the mob went away.

Early in the evening, a party of them went to Justice Hyde's house, in St. Martin's-street, Leicester-fields, which they broke open, and having taken out all the furniture, they burned it in the street; thus every moveable in the house was totally destroyed, and the house reduced to the bare walls. A party of the guards were sent for, but they did not arrive time enough to save any thing.

In the course of the afternoon, a sort of notice was brought to Mr. Akerman, the jailor of Newgate, that the jail would be forced open, if the rioters confined in it were not released, when applied for, at a certain hour. Mr. Akerman made the proper persons acquainted with this strange message, but it does not seem to have met with sufficient notice; for about seven o'clock in the evening, a large party of the mob assembled at Newgate, and, after knocking at Mr. Akerman's door, peremptorily demanded the persons who had been committed to Newgate, on the charge of being concerned in some of the late riots. Mr. Akerman told those who put the question to him, "That they must be aware, it was a question which he could not answer to their satisfaction, and as it was his wish to do his duty without offending any person, he hoped they would not reduce him to the necessity of refusing their request." The persons assembled before the door, immediately proceeded to strip the house of all the furniture, which they piled up against the prison door, and set fire to it; they also set fire to Mr. Akerman's house, which was entirely consumed, and at length they got the

the rioters out of the prison, and carried them off in triumph. Mr. Akerman and his family were obliged to make their escape over the top of the jail.

All the prisoners were set at liberty, to the number of about three hundred; among whom were four under sentence of death. The whole inside of the jail was entirely consumed; and what seemed impregnable to a regular military force, was performed in a short time by a furious rabble. The civil power were sent for, and some military, but the magistrates thought this force not sufficient to encounter the mob, and therefore did not disturb them. This exploit raised the formidable idea of the mob to such a height, that the whole metropolis were in an instant struck with terror and panick.

About half past eleven o'clock, the same party, reinforced and urged by the prisoners from Newgate, went to New-prison, Clerkenwell, and insisted on a release of the prisoners; they soon broke open the wicket door, and brought shavings in order to set fire to the prison, but some of them reflecting that the street being narrow, the flames might hurt the innocent neighbourhood, they desisted, and with pickaxes broke open the gates, and got the prisoners out.

They then went to Clerkenwell Bridewell, but the keeper opening the doors, no mischief ensued.

From the moment that the great number of prisoners were let loose, the spirit of the depredations took a different turn. Religion was no longer the subject of resentment; the gaols, the police, and plunder were the only objects. Sir John Fielding had for many years been an acting Magistrate, and many of the prisoners, in the several gaols, had been committed by him, and his associate Magistrates. The common Justice-office in Bow-street became, of course, a very natural object of revenge, containing the depositions,

charges, &c. against them. A party appeared before the house about midnight, and instantly breaking in seized upon every room, the back and front offices, &c. all the furniture, papers, drawers, &c. &c. were brought into the street, and three fires being made of them, every part was totally consumed.

Another party went to Lord Mansfield's, in Bloomsbury-square, which they destroyed in the same manner. All the furniture they brought into the street, and burnt it. All his Lordship's papers, and fine library of books, shared the same fate. Also his pictures, and every moveable in his house. After which the house itself was set on fire. A party of the guards came, and fired among the mob several times, but could not prevent the conflagration. A few were killed, and several were wounded, but they did not disperse till the destruction was completed. A party of the mob went off with an intention to destroy his Lordship's house at Caen-wood, but the Northumberland militia being quartered in the neighbourhood of it, viz. at Finchley, Highgate, &c. and information being given of the design, the militia marched to its protection, and being there before the mob, the design was frustrated.

After the destruction of Sir John Fielding's house, the same party or another went to the house of Mr. Coxe, in Great Queen-street, brewer, and destroyed his furniture, and every moveable in his house, which they brought out into the street and there burned the whole. The houses of Messrs. Foster, near Great Turnstile, Holborn, of Mr. Doughty, in Devonshire-street, of Mr. Molloy, near Moorfields, of Mr. Lyon, in Bunhill-row, of Mr. Charlton, in Coleman-street, and of a pawnbroker, in Golden-Square, were all destroyed in the same manner, being said to be Roman Catholics, though it is more than probable that the hope of

plunder was a greater stimulation than religion, in these depredations. In the early part of the night, a part of the mob attempted to force their way into Downing-street, where Lord North lived, but were prevented by a party of the guards.

*Wednesday, June 7.* The guards having been found insufficient in number to defend the various parts of the metropolis, all the troops and militia within thirty miles were sent for, and yesterday, and this day, several corps arrived. Before the end of the week, there were at least twenty thousand troops in London, who were placed, as they came in, at the different places supposed to be most in danger. The Bank, Exchange, Post Office, Guildhall, Inns of Court, &c. &c. and in many private houses. A strong guard was placed at Buckingham House for the protection of his Majesty. The guards were encamped in St. James's Park, the marching regiments and militia were encamped in Hyde Park.

This day the House of Commons met at twelve o'clock, and instantly adjourned to their 19th.

Notwithstanding the formidable appearance of the military, who were pouring into the town on every side, the mob continued, even during the day time, in different parties. At one o'clock this day a party of them went to the Fleet prison, and demanded the gates to be opened, which the keepers were obliged to do, or they would have set fire to it. They were then proceeding to demolish the prison, but the prisoners expostulating with them, and begging that they would give them time to remove their goods, they readily condescended, and gave them until evening for that purpose; in consequence of which the prisoners removed all the furniture, &c.

Agreeable to the notice given, the mob assembled before the prison in the evening, and having set fire to

different apartments in it, the whole was entirely consumed.

From hence they went to Mr. Langdale's house at Holborn-bridge, a capital distiller, (in the neighbourhood) and notwithstanding his entreaties they forced open the house, stripped it, and burned the whole house, furniture, and large stock of liquors. The flames communicated to a number of adjacent houses, all which were also consumed. Mr. Langdale had a large warehouse of liquors, higher up in Holborn, and a new dwelling-house near Bernard's Inn, a party of the mob went there, and burned them also. Mr. Langdale's loss was moderately estimated at 60,000*l.* He was a Roman Catholic.

Another party of the mob went to the King's-bench prison, the prisoners in which were permitted to go out and remove their effects, after which the prison was burned. They next went to destroy and burn the toll-gates and houses at the foot of Blackfriars-bridge, which they completely effected. During these operations, several parties of the militia came to prevent these depredations. The Northumberland militia behaved extremely well at Mr. Langdale's; they were not impetuous, but properly spirited. They fired several times and many were killed, and had not this corps been present, the conflagration would have been very extensive. They dispersed the rioters. At Blackfriars-bridge another party of militia came not indeed time enough to save any thing, but the mob not being gone, they were fired upon and many were killed there also. Others were pursued down the bridge stairs, and driven into the river.

Another party of the mob, who had assembled in the East part of the city, where they had committed several outrages, and burnt some houses in Rotherhithe, Whitecross-street, Houndsditch, &c. proceeded

into

into the city, and coming down Threadneedle-street, with an intent to make an attack on the Bank, were met, before they reached the Bank, by a party of soldiers, who had been stationed there to protect the Bank, and who fired upon them, killed several, and drove the rest back. This was the most serious circumstance in the whole riot. Many persons were alarmed for the safety of the Bank, as soon as the prisons were broke open; and therefore a strong body of troops, with cannon, were early posted there for its preservation; but had the mob gone to the Bank *immediately* from Newgate, the consequence might have been dreadful; the public credit, wealth, and government of this country lay at a most imminent hazard.

A Court of Common-Council was held late this evening, when the Lord-Mayor acquainted them, that the cause of calling them together was the tumults that existed in the city, desiring to have their advice therein. The King's Proclamation and several letters from the Secretaries of State were read. The Court unanimously came to the following resolutions: That the Sheriffs of London be desired to raise the *Posse Comitatus* immediately, and to pursue, with the Lord-Mayor and other Magistrates of this city, the most effectual legal means for restoring the public peace. That the thanks of the Court be given to the Military Association, for the offer of their services to restore the peace of this city, and that it be recommended to the Sheriffs of this city to accept their offer. That the Sheriffs of London be requested to take the military force under their command, and endeavour particularly to protect the Mansion-house, Guildhall, Bank of England, or any other place that is in danger. That the thanks of this Court be given to the officers of the militia of the city of London, for the voluntary offer of their services,

and that they be requested to put themselves under the direction of the Sheriffs of London.

*Thursday, June 8.* This morning the following Proclamation appeared:

By the KING,  
A PROCLAMATION,  
GEORGE R.

Whereas a great number of disorderly persons have assembled themselves together in a riotous and tumultuous manner, and have been guilty of many acts of treason and rebellion, having made an assault on the gaol of Newgate, set loose the prisoners confined therein, and set fire to and destroyed the said prison: and whereas houses are now pulling down in several parts of our cities of London and Westminster, and liberties thereof, and fires kindled for consuming the materials and furniture of the same, whereby it is become absolutely necessary to use the most effectual means to quiet such disturbances, to preserve the lives and properties of individuals, and to restore the peace of the country; We, therefore, taking the same into our most serious consideration, have thought fit, by and with the advice of our Privy Council, to issue this our Royal Proclamation, hereby strictly charging and exhorting all our loving subjects to preserve the peace, and to keep themselves, their servants, and apprentices, quietly within their respective dwellings, to the end that all well-disposed persons may avoid those mischiefs which the continuance of such riotous proceedings may bring upon the guilty: and as it is necessary, from the circumstances before-mentioned, to employ the military force, which we are, by law, entrusted with for the immediate suppression of such rebellious and traitorous attempts, now making against the peace and dignity of our Crown, and the safety of the lives and properties of our subjects, we have therefore issued the

most

most direct and effectual orders to all our officers, by an immediate exertion of their utmost force, to repress the same, of which all persons are to take notice.

Given at our Court at St. James's, the seventh day of June, one thousand seven hundred and eighty, in the twentieth year of our reign.

God save the King!

The Privy Council met last night to consider of the disturbances; it was proposed to put the capital under martial law. All the lawyers were for it, except Judge Gould; he opposed it with a manly firmness, that was afterwards applauded by the whole town in the warmest and most affectionate terms. His arguments changed the intention of the Council, who thereupon issued the above Proclamation.

“ Adjutant-General's Office, 7th June, 1780.

“ O R D E R S.

“ In obedience to an order of the King's Council,

“ The military to act without waiting for directions from the civil magistrates, and to use force for dispersing the illegal and tumultuous assemblies of the people.

“ WM. AMHERST, Adjutant-General.”

A great number of horse were ordered to patrol the streets day and night. Troops were lodged in every place of expected danger. The Temple, Inns of Court, &c. were defended by troops, who having a discretionary power to fire as they saw fit, the following handbill was this day distributed:

“ Whereas a great number of disorderly persons have assembled themselves together in a riotous and tumultuous manner, and have been guilty of many acts of treason and rebellion, whereby it is become absolutely necessary to use the most effectual methods to quiet such disturbances, to preserve the property of individuals, and to restore the peace

of the country: this public notice is therefore given, to advise and exhort all peaceable subjects to keep themselves quietly in their own houses, lest they should suffer with the guilty.

“ It is hoped all parents and masters of families will contribute as much as lies in their power to the observance of this notice, by giving strict orders to their children and servants not to stir from home.”

This day passed without any further disturbances. But though the military were certainly of great use in stopping these horrid outrages, the inhabitants began to think of arming themselves in defence of their property.

Several of the rioters were taken up this day in different places. Many were found drunk upon the ruins of Mr. Langdale's house and at Newgate, with the liquors found at both places; others were found secreted in several obscure parts. One of the condemned felons was found and hanged, by order of the Sheriffs, at the Poultry Compter. The various particulars of the many apprehensions, commitments, &c. to the Savoy, Poultry, and such other jails as had not been destroyed, we shall omit relating, as the trials of the criminals contain the whole of that business. The apprehensions continued for many days. And from this day the riots were totally at an end. The Courts of justice were again opened; and the tradesmen, many of whose shops and warehouses had been shut, resumed the exercise of their several occupations.

Friday, June 9. This day the following Proclamation appeared:

By the KING.

A PROCLAMATION.

GEORGE R.

Whereas a great number of disorderly persons have for several days past assembled themselves together, in a riotous and tumultuous manner, and have been guilty of many acts of treason,



treason, rebellion, and felony, having formed designs to break open and destroy the gaols and prisons, and to set loose the prisoners confined therein, and having actually broke into and set on fire the gaol of Newgate, the King's Bench prison, and the prison of the Fleet, and released the prisoners, and made attempts on other gaols and prisons in and about this metropolis; and having set fire to and pulled down the dwelling-houses of divers of our peaceable subjects, and also set fire to, burnt and destroyed the materials thereof, and the furniture and other effects found therein; and also taken money from divers of our subjects: we therefore, taking the same into our most serious consideration, have thought fit, by and with the advice of our Privy Council, to publish and declare our resolution, that the authors, abettors, and perpetrators of the said offences be prosecuted as expeditiously as may be, according to the due course of law; and we do hereby enjoin and require all Justices of the Peace, Sheriffs, Mayors, Bailiffs, Constables, and all other our loving subjects, to be aiding and assisting to the utmost of their power, in detecting, apprehending, and bringing to justice the said offenders. And we are graciously pleased to promise, that if any person shall discover any other person or persons who are guilty of any of the said offences, so as that the person or persons discovered may be prosecuted for the same, such discoverer shall have and receive, as a reward, upon conviction of such offender or offenders, the sum of FIFTY POUNDS, and also our gracious pardon for the said offence, in case the person making such discovery shall himself be liable to be prosecuted for the same; and the Commissioners for executing the office of Treasurer of the Exchequer are hereby required to make payment accordingly of the said rewards.

Given at our Court at St. James's, the ninth day of June, one thousand

seven hundred and eighty, in the twentieth year of our reign.

God save the King.

The soldiers continued at their several posts in different parts of the town; and more troops were all day coming in, but every thing remained quiet.

*Saturday, June 10.* All quiet as before; the soldiers continuing to patrol the streets, and many persons taken up.

A Mr. W. Moore, who had published some former papers, entitled *Whisperer, Scourge, &c.* distributed at the house he occupied in Fleet-street, some inflammatory handbills, announcing a new paper, entitled the *Thunderer*, respecting the late riots; he was apprehended by a party of soldiers, and committed.

About five o'clock in the afternoon of this day, Lord George Gordon was apprehended at his house in Welbeck-street, and put under a guard of horse, who conducted his Lordship to the horse-guards, where in the evening he underwent a short examination, and was committed to the Tower, a close prisoner, on a charge of treason and treasonable practices. He was escorted to the Tower about ten o'clock at night, by a strong party of light-horse, &c. There were no disturbances.

The confusion produced a reconciliation between the King and his two brothers, who both made a tender of their services. The King saw them both for the first time since their marriages; but their Duchesses were not included in the etiquette of the Court.

The following was published as the return of the killed and wounded:

|                          |       |          |
|--------------------------|-------|----------|
| By the militia and       | } 109 | } killed |
| guards                   |       |          |
| Light Horse              | — 101 |          |
| Died in Hospitals        | 75    |          |
|                          | 285   |          |
| Prisoners now under cure | 75    |          |
|                          | 458   |          |

The number of prisoners set at liberty from the several jails exceeded two thousand.

[For a recapitulation, with remarks, see page 64.]

*The following plan was agreed upon in the City.*

The Alderman or deputy of each ward, and the several housekeepers and gentlemen being met, that they form themselves into four divisions by ballot; each division, with their arms to watch by rotation. That housekeepers and gentlemen not on guard have their arms ready prepared; to proceed on beat of drum, with their arms to the head-quarters of the ward. That patrols be sent about the ward, in order to keep a watch over alehouses and other disorderly places; also to prevent people's standing still and collecting; (to wear badges, huzzas, or illuminate) to commit those who cannot give a good account of themselves, and take from them their weapons, &c. To have intelligence established with the neighbouring wards, and with the Mansion-house; and to have the same intelligence with the military, if judged necessary, and a watch-word for the night, settled among the commanders for the whole. To recommend housekeepers, parents, and masters to keep their servants, children and workmen at home, during the night; to prevent their being mixed with, or countenancing the guilty by their numbers. To report every morning the proceeding of each ward to the Lord Mayor, at the Mansion-house; that just information may be had, on which to found measures for the benefit of the whole. I much approve of the above plan.

B. KENNET, Mayor.  
Mansion-house, June 9, 1780.

Col. Twisleton, who commanded the King's troops in the city, transmitted a copy of the above plan to Lord Amherst, who, thereupon, sent to Colonel Twisleton the following letter:

*Whitehall, June 12, 1780.*

SIR,

I have received the favour of your letter of this date, with the several paper inclosed. If, in the printed paper with the Lord-Mayor's name annexed, firelocks are meant by the words "*with their arms*," in the first article of the paper, I wholly disapprove of that intention; no person can bear arms in this country but under officers having the King's Commission.

The inhabitants of the borough of Southwark, those of the parish of Covent-Garden, and of some other parishes, have formed themselves into very useful, and, at the same time, unexceptionable associations, and if something of the same kind was adopted in the city, there is no doubt but much use and great security would arise therefrom, but the using of fire arms is improper, unnecessary, and cannot be approved.

I have the honour to be, Sir, &c.

AMHERST.

*Copy of another letter from Lord Amherst to Colonel Twisleton.*

*Whitehall, June 13, 1780.*

SIR,

I received the favour of your letter of this date, on the subject of the inhabitants of the city being permitted to carry arms, and I cannot say more on the general subject than I mentioned in my letter to you of yesterday's date, which was a clear disapprobation of that part of the Lord-Mayor's plan which regards the arms.

If, therefore, any arms are found in the hands of persons, except they are of the city militia, or are persons authorised by the King to be armed, you will please to order the arms to be delivered up to you, to be safely kept until farther order.

I am, Sir, &c.

AMHERST.

*Lieutenant-colonel Twisleton.*

*In the last volume, page 337, is inserted the preamble to the Report of a Constitution, or Form of Government, for the Commonwealth of Massachusetts, we have, since that publication, had the good fortune to obtain a complete copy of that Report, and now lay the remainder of it before our readers.*

*The frame of Government.*

The people inhabiting the territory heretofore called the province of Massachusetts Bay, do hereby solemnly and mutually agree with each other, to form themselves into a free, sovereign, and independent body-politic or State, by the name of THE COMMONWEALTH OF MASSACHUSETTS.

In the Government of the Commonwealth of Massachusetts, the legislative, executive, and judicial power shall be placed in separate departments, to the end that it might be a Government of laws, and not of men.

*The Legislature, or General Court.*

Art. I. The department of legislation shall be formed by two branches, a *Senate* and *House of Representatives*; each of which shall have a negative on the other.

They shall assemble once, on the last Wednesday in May, and at such other times as they shall judge necessary, every year; and shall be styled, THE GENERAL COURT OF MASSACHUSETTS.

And the first Magistrate shall have a negative upon all the laws—that he may have power to preserve the independence of the executive and judicial departments.

II. The General Court shall forever have full power and authority to erect and constitute Judicatories and Courts of Record, or other Courts, to be held in the name of the Commonwealth, &c. the hearing, trying, and determining of all manner of crimes, offences, pleas, processes, complaints, actions, matters, causes, and things, whatsoever,

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arising or happening within the Commonwealth, or between or concerning persons inhabiting, or residing, or brought within the same; whether the same be criminal or civil, or whether the said crimes be capital or not capital, and whether the said pleas be real, personal, or mixt; and for the awarding and making out of execution thereupon to which Courts and Judicatories are hereby given and granted full power and authority, from time to time, to administer oaths or affirmations for the better discovery of truth in any matter in controversy or depending before them.

III. And further, full power and authority are hereby given and granted to the said General Court, from time to time, to make, ordain, and establish all manner of wholesome and reasonable orders, laws, statutes, and ordinances, directions and instructions either with penalties or without; for as the same be not repugnant or contrary to this Constitution, as they shall judge to be for the good and welfare of this Commonwealth, and for the government and ordering thereof, and of the subjects of the same, and for the necessary support and defence of the Government thereof; and to name and settle annually, or provide by fixed laws, for the naming and settling all civil officers within the said Commonwealth; such officers excepted, the election and constitution of whom are not hereafter in this form of Government otherwise provided for; and to set forth the several duties, powers and limits of the several civil and military officers of this Commonwealth, and the forms of such oaths as shall be respectively administered unto them for the execution of their several offices and places, so as the same be not repugnant or contrary to this Constitution; and also to impose fines, mulcts, imprisonments, and other punishments; and to impose and levy

D

levy

levy proportional and reasonable assessments, rates, and taxes, upon the persons of all the inhabitants of and residents within the said Commonwealth, and upon all estates within the same: to be issued and disposed of by warrant, under the hand of the Governor for this Commonwealth for the time being, with the advice and consent of the Council, for the public service, in the necessary defence and support of the Government of the said Commonwealth, and the protection and preservation of the subjects thereof, according to such acts as are or shall be in force within the same; and to dispose of matters and things whereby they may be religiously, peaceably, and civilly governed, protected, and defended.

And that public assessments may be made with equality, there shall be a valuation of estates within the Commonwealth taken anew once in every ten years at the least.

#### *Senate.*

I. There shall be annually elected by the freeholders and other inhabitants of this Commonwealth, qualified as in this Constitution is provided, forty persons to be Counsellors and Senators for the year ensuing their election, to be chosen in and by the inhabitants of the districts into which the Commonwealth may from time to time be divided by the General Court for that purpose: and the General Court, in assigning the numbers to be elected by the respective districts, shall govern themselves by the proportion of the public taxes paid by the said districts; and timely make known to the inhabitants of the Commonwealth the limits of each district, and the number of Counsellors and Senators to be chosen therein; provided that the number of such districts shall be never more than sixteen, nor less than ten.

And the several counties in this Commonwealth shall, until the Ge-

neral Court shall determine it necessary to alter said districts, be districts for the choice of Counsellors and Senators (except that the counties of Dukes-county and Nantucket shall form one district for that purpose) and shall elect the following number for Counsellors and Senators, viz.

|            |   |                |   |
|------------|---|----------------|---|
| Suffolk    | 6 | York           | 2 |
| Essex      | 6 | Dukes-county & |   |
| Middlesex  | 5 | Nantucket      | 1 |
| Hampshire  | 4 | Worcester      | 5 |
| Plymouth   | 3 | Cumberland     | 1 |
| Barnstable | 1 | Lincoln        | 1 |
| Bristol    | 3 | Berkshire      | 2 |

II. The Senate shall be the first branch of the Legislature; and the Senators shall be chosen in the following manner, viz. there shall be a meeting on the first Monday in April annually, for ever, of the inhabitants of all the towns in the several counties of this Commonwealth, to be called by the Selectmen, and warned, in due course of law, at least seven days before the first Monday in April, for the purpose of electing persons to be Senators and Counsellors: and at such meetings every male person of twenty-one years of age and upwards, resident in such towns one year next preceding the annual election of Senators, having a freehold estate within the Commonwealth, of the annual income of three pounds, or other real or personal estate of the value of sixty pounds, shall have a right to give in his vote for the Senators for the district.

The Selectmen of the several towns shall preside at such meetings, and shall be under oath, as well as the Town-clerk, to preside impartially, according to their best skill and judgment; and to make a just and true return.

The Selectmen shall receive the votes of all the inhabitants of such towns qualified to vote for Senators, and shall sort and count them in open town-meeting, and in presence of the Town-clerk, who shall make a fair

a fair record, in presence of the Selectmen, and in open town-meeting, of the name of every person voted for, and of the number of votes against his name; and a fair copy of this record shall be attested by the Selectmen and the Town-clerk, and shall be sealed up, directed to the Secretary of the Commonwealth for the time being, with a superscription, expressing the purport of the contents thereof, and delivered by the Town-clerk of such towns, to the Sheriff of the county in which such town lies, thirty days at least before the last Wednesday in May annually; or it shall be delivered into the Secretary's office seventeen days at least before the said last Wednesday in May; and the Sheriff of each county shall deliver all such certificates, by him received, into the Secretary's office seventeen days before the said last Wednesday in May.

And the inhabitants of plantations unincorporated, qualified as this Constitution provides, who are or shall be empowered and required to assess taxes upon themselves toward the support of Government, shall have the same privilege of voting for Counsellors and Senators in the plantations where they reside, as town inhabitants have in their respective towns; and the plantation meetings for that purpose shall be held annually on the same first Monday in April, at such place in the plantations respectively, as the Assessors thereof shall direct; which Assessors shall have like authority for notifying the electors, collecting and returning the votes, as the Selectmen and Town-clerks have in their several towns by this Constitution. And all other persons living in places unincorporated, (qualified as aforesaid) who shall be assessed to the support of Government by the Assessors of an adjacent town, shall have the privilege of giving in their votes for

Counsellors and Senators, in the town where they shall be assessed, and be notified of the place of meeting by the Selectmen of the town where they shall be assessed for that purpose accordingly.

III. And that there may be a due convention of Senators on the last Wednesday in May annually, the Governor, with five of the Council, for the time being, shall, as soon as may be, examine the returned copies of such records; and fourteen days before the said day he shall issue his summons to such persons as shall appear to be chosen by a majority of voters, to attend on that day and take their seats accordingly: provided, nevertheless, that for the first year the said returned copies shall be examined by the President and five of the Council of the former Constitution of Government; and the said President shall, in like manner, issue his summons to the persons so elected, that they may take their seats as aforesaid.

IV. The Senate, however, shall be the final judge of the elections, returns, and qualifications of their own Members; and shall, on the said last Wednesday in May annually, determine and declare who are elected by each district, to be Senators, by a majority of votes: and in case there shall not appear to be the full number of Senators returned elected by a majority of votes for any district, the deficiency shall be supplied in the following manner, viz: the Members of the House of Representatives, and such Senators as shall be declared elected, shall take the names of twice the number of Senators wanting, from those who shall be found to have the highest number of votes in such district, and not elected; and out of these shall elect, by ballot, a number of Senators, sufficient to fill up the vacancies in such district: and in this manner all such vacancies shall be filled up in

every district of the Commonwealth; and in like manner all vacancies in the Senate, arising by death, removal out of the State, or otherwise, shall be supplied as soon as may be after such vacancies shall happen.

V. Provided, nevertheless, that no person shall be capable of being elected as a Senator who is not of the Christian religion, and seised in his own right of a freehold within this Commonwealth, of the value of three hundred pounds at least, and who has not been an inhabitant of this Commonwealth for the space of seven years, three of which immediately preceding his election, and in the district for which he shall be chosen.

VI. The Senate shall have power to adjourn themselves, provided such adjournments do not exceed two days at a time.

VII. The Senate shall chuse its own President, appoint its own officers, and determine its own rules of proceedings.

VIII. The Senate shall be a Court with full authority to hear and determine all impeachments made by the House of Representatives, against any officer or officers of the Commonwealth, for misconduct and mal-administration in their offices. But previous to the trial of every impeachment, the Members of the Senate shall respectively be sworn, truly and impartially to try and determine the charge in question, according to evidence. Their judgment, however, shall not extend further than to removal from office, and disqualification to hold or enjoy any place of honour, or trust, or profit, under this Commonwealth; but the party so convicted, shall be, nevertheless, liable to indictment, trial, judgment, and punishment, according to the laws of the land.

#### *House of Representatives.*

I. There shall be in the Legislature of this Commonwealth, a re-

presentation of the people, annually elected, and founded in equality.

II. And in order to provide for a representation of the citizens of this Commonwealth, founded upon the principle of equality, every corporate town, containing one hundred and fifty rateable polls, may elect one Representative: every corporate town, containing three hundred and seventy-five rateable polls, may elect two Representatives: every corporate town, containing six hundred rateable polls, may elect three Representatives; and proceeding in that manner, making two hundred and twenty-five rateable polls the mean increasing number for every additional Representative.

And forever hereafter the least number of rateable polls necessary to entitle a corporate town to elect one Representative, when increased by the addition of a number equal to half the said least number shall be the mean increasing number of rateable polls for every additional Representative any corporate town may elect.

And to prevent hereafter the House of Representatives from becoming unweildy and incapable of debating and deliberating by the great additions it would continually receive from the increasing settlement and population of this Commonwealth, no corporate town, shall, from and after the year of our Lord one thousand seven hundred and ninety, be entitled to elect one Representative, unless it shall contain two hundred rateable polls; nor to elect two Representatives, unless it shall contain five hundred rateable polls; nor to elect three Representatives, unless it shall contain eight hundred rateable polls and so proceeding in that manner, making, by the aforesaid rule, three hundred rateable polls, the mean increasing number for every additional Representative. And every tenth year, from

from and after the said year of our Lord one thousand seven hundred and ninety, and until such time as the number of Representatives, which may be elected for this Commonwealth, shall not exceed the number of two hundred, the least number of rateable polls, which at that time any corporate town must contain to entitle it to elect one Representative, shall be increased by the addition of fifty; and the least number aforesaid, thus increased by the said addition, shall be the number of rateable polls any corporate town must contain to entitle it to elect one Representative: and the number of Representatives any corporate town may elect shall be regulated accordingly by the rules aforesaid.

The freeholders and other inhabitants of this Commonwealth, qualified to vote for Representatives, living in corporate towns, which severally shall contain a less number of rateable polls than is necessary to entitle them respectively to elect one Representative, shall, nevertheless, have a right to associate with some town or towns adjoining, for the election of Representatives; and in such cases the voters thus united, shall have a right to elect the same number of Representatives as they would have done were they inhabitants of one corporate town; which Representatives may be elected out of either of the associated towns indifferently: and the Legislature shall from time to time determine what towns shall thus associate, the manner of the association, and the method and manner of calling and conducting the meetings of the associated towns for the election of Representatives.

III. The Members of the House of Representatives shall be chosen by written votes; and no person shall be qualified, or eligible, to be a Member of the said House, unless

he be of the Christian religion, and for one year at least next preceding his election shall have been an inhabitant of, and have been seised in his own right of a freehold of the value of one hundred pounds, within the town or towns he shall be chosen to represent; and he shall cease to represent the said town or towns, immediately on his ceasing to be a freeholder within the same.

IV. Every male person, being twenty-one years of age, and resident in any one particular town in this Commonwealth for the space of one year next preceding, having a freehold estate within the same town, or the annual income of three pounds, or other estate real or personal, or mixt, of the value of sixty pounds, shall have a right to vote in the choice of a Representative or Representatives, for the said town, or for the towns united as aforesaid.

V. The Members of the House of Representatives shall be chosen annually in the month of May, ten days at least before the last Wednesday of that month, from among the wisest, most prudent, and virtuous of the freeholders.

VI. The House of Representatives shall be the Grand Inquest of this Commonwealth; and all impeachments made by them, shall be heard, and tried by the Senate.

VII. All money-bills shall originate in the House of Representatives; but the Senate may propose or concur with amendments, as on other bills.

VIII. The House of Representatives shall have power to adjourn themselves; provided such adjournment shall not exceed two days at a time.

IX. Not less than sixty Members of the House of Representatives, shall constitute a quorum for doing business.

X. The House of Representatives shall chuse their own Speaker, appoint

point their own officers, and settle the rules and orders of proceeding in their own House: they shall have authority to punish by imprisonment every person who shall be guilty of disrespect to the House, in its presence, by any disorderly or contemptuous behaviour; or by threatening or ill-treating any of its Members; or, in a word, by obstructing its deliberations; every person guilty of a breach of its privileges, in making arrests for debts, or by assaulting one of its Members during his attendance at any Session, or on the road, whether he be going to the House or returning home; in assaulting any one of its officers, or in disturbing him in the execution of any order, or procedure of the House; in assaulting or troubling any witness or other person, ordered to attend the House, in his way in going or returning, or in rescuing any person arrested by order of the House.

XI. The Senate shall have the same powers in the like cases; and the Governor and Council shall have the same authority to punish in like cases. Provided that no imprisonment on the warrant or order of the Governor, Council, Senate, or House of Representatives, for either of the above-described offences, be for a term exceeding thirty days.

#### EXECUTIVE POWER.

##### *Governor.*

Art. I. There shall be a supreme executive Magistrate, who shall be styled, THE GOVERNOR OF THE COMMONWEALTH OF MASSACHUSETTS; and whose title shall be—  
HIS EXCELLENCY.

II. The Governor shall be chosen annually; and no person shall be eligible to this office, unless, at the time of his election, he shall have been an inhabitant of this Commonwealth for seven years next preceding; and unless he shall at the same time be seized in his own right of a

freehold within the Commonwealth, of the value of One Thousand Pounds; and unless he shall be of the Christian religion.

III. Those persons who shall be qualified to vote for Senators and Representatives, within the several towns of this Commonwealth, shall, at a meeting to be called for that purpose, on the first Monday in April annually, give in their votes for a Governor to the Selectmen who shall preside at such meetings; and the Town-clerk, in the presence and with the assistance of the Selectmen, shall, in open town-meeting, sort and count the votes, and form a list of the persons voted for, with the number of votes for each person against his name; and shall make a fair record of the same in the town books, and a public declaration thereof in the said meeting, and shall, in the presence of the inhabitants, seal up copies of the said list, attested by him and the Selectmen, and transmit the same to the Sheriff of the county thirty days at least before the last Wednesday in May; or shall cause returns of the same to be made to the office of the Secretary of the Commonwealth seventeen days at least before the said day, who shall lay the same before the Senate and the House of Representatives, on the last Wednesday in May, to be by them examined; and in case of an election by a majority of votes through the Commonwealth, the choice shall be by them declared and published: but if no person shall have a majority of votes, the House of Representatives shall, by ballot, elect two out of four persons who had the highest number of votes, if so many shall have been voted for; but if otherwise, out of the number voted for; and make return to the Senate of the two persons so elected; on which the Senate shall proceed by ballot to elect one, who shall be declared Governor.

IV. The person chosen Governor, and



and accepting the trust, shall, in the presence of the two Houses, and before he proceeds to execute the duties of his office, make and subscribe the following declaration, and take the following oaths, to be administered by the President of the Senate: viz.

I, A. B. being declared duly elected Governor of the Commonwealth of Massachusetts, do now declare, that I believe and profess the Christian religion; from a firm persuasion of its truth; and that I am seized and possessed in my own right of the property required by law, as one qualification for that office.

I, A. B. do solemnly swear, that I bear faith and true allegiance to the Commonwealth of Massachusetts; that I will faithfully and impartially discharge and perform all the duties incumbent on me as a Governor of this Commonwealth, according to the best of my abilities and understanding, agreeably to the rules and regulations of the Constitution; and that I will not attempt or consent to a violation thereof. So help me GOD.

V. The Governor shall have authority, from time to time, at his discretion, to assemble and call together the Counsellors of this Commonwealth for the time being; and the Governor, with the said Counsellors, or five of them at least, shall and may, from time to time, hold and keep a Council, for the ordering and directing the affairs of the Commonwealth according to law.

VI. The Governor, with advice of Council, shall have full power and authority, in the recess of the General Court, to prorogue the same from time to time, not exceeding ninety days in any one recess of the said Court; and during the session of the said Court, to adjourn or prorogue it to any time the two Houses shall desire, and to dissolve the same at their request, or on the Wednesday next preceding the last Wednesday in May;

and to call it together sooner than the time to which it may be adjourned or prorogued, if the welfare of the Commonwealth shall require the same.

VII. In cases of disagreement between the two Houses, with regard to the time of adjournment or prorogation, the Governor, with advice of the Council, shall have a right to adjourn or prorogue the General Court, as he shall determine the public good shall require.

VIII. The Governor of this Commonwealth, for the time being, shall be the Commander in Chief of the army and navy, and of all the military forces of the State, by sea and land; and shall have full power by himself, or by any chief commander, or other officer or officers to be appointed by him from time to time, to train, instruct, exercise, and govern the militia and navy; and, for the special defence and safety of the Commonwealth, to assemble in martial array, and put in warlike posture, the inhabitants thereof, aid to lead and conduct them, and with them to encounter, expulse, repel, resist, and pursue, by force of arms, as well by sea as by land, within or without the limits of this Commonwealth; and also to kill, slay, destroy, and conquer, by all fitting ways, enterprizes, and means whatsoever, all and every such person and persons as shall, at any time hereafter, in a hostile manner attempt, or enterprize the destruction; invasion, detriment, or annoyance of this Commonwealth; and to use and exercise, over the army and navy, and over the militia in actual service, the law martial, in time of war, invasion, or rebellion, as occasion shall necessarily require; and also from time to time to erect forts, and to fortify any place or places within the said Commonwealth, and and the same to furnish with all necessary ammunition, provisions, and stores of war, for offence or defence; and to commit from time to time the custody

custody and government of the same to such person or persons as to him shall seem meet: and, in times of emergency, the said forts and fortifications to demolish at his discretion; and to take and surprize, by all ways and means whatsoever, all and every such person or persons, with their ships, arms, ammunition, and other goods, as shall, in a hostile manner, invade, or attempt the invading, conquering, or annoying this Commonwealth; and, in fine, that the Governor be intrusted with all other powers incident to the offices of Captain-General, and Commander in Chief, and Admiral, to be exercised agreeably to the rules and regulations of the Constitution, and the laws of the land.

Provided, that the said Governor shall not at any time hereafter, by virtue of any power by this Constitution granted, or hereafter to be granted to him, by the Legislature, transport any of the inhabitants of this Commonwealth, or oblige them to march out of the limits of the same, without their free, and voluntary consent, or the consent of the General Court; nor grant commissions for exercising the law martial upon any of the inhabitants of this Commonwealth, without the advice and consent of the Council of the said same.

IX. The power of pardoning offences, except such persons as may be convicted of before the Senate by an impeachment of the House, shall be in the Governor, by and with the advice of the Council: but no charter of pardon, granted by the Governor, with advice of the Council, before conviction, shall avail the party pleading the same, notwithstanding any general or particular expressions contained therein, descriptive of the offence or offences intended to be pardoned.

X. All judicial officers, the Attorney-General, the Solicitor-Gen-

eral, all Sheriffs, Coroners, Registers of Probate, and Registers of Maritime Courts, shall be nominated and appointed by the Governor, by and with the advice and consent of the Council; and every such nomination shall be made by the Governor, and made at least seven days prior to such appointment.

XI. All officers of the militia shall be appointed by the Governor, with the advice and consent of the Council; he first nominating them seven days at least before the appointment.

XII. All monies shall be issued out of the treasury of this Commonwealth, and disposed of by warrant under the hand of the Governor for the time being, with the advice and consent of the Council, for the necessary defence and support of the Commonwealth; and for the protection and preservation of the inhabitants thereof, agreeably to the acts and resolves of the General Court.

XIII. All public boards, the Commissary general, all superintending officers of public magazines and stores belonging to this Commonwealth, and all commanding officers of forts and garrisons within the same, shall once in three months officially, and without requisition, and at other times, when required by the Governor, deliver to him an account of all goods, stores, provisions, ammunition, cannon with their appendages, and small arms with their accoutrements, and of all other public property whatever, under their care respectively; distinguishing the quantity, number, quality, and kind of each, as particularly as may be; together with the condition of such fort, and garrisons: and the said commanding officer shall exhibit to the Governor, when required by him, true and exact plans of such forts, and of the land and sea, or harbour or harbours adjacent.

And the said Boards, and all public officers, shall communicate to the Governor

Governor, as soon as may be after receiving the same, all letters, dispatches, and intelligences, of a public nature, which shall be directed to them respectively.

XIV. And to prevent an undue influence in this Commonwealth, which the first magistrate thereof may acquire, by the long possession of the important powers and trust of that office, as also to stimulate others to qualify themselves for the service of the public in the highest stations, no man shall be eligible as Governor of this Commonwealth, more than five years in any seven years.

XV. As the public good requires, that the Governor should not be under the undue influence of any of the members of the General Court, by a dependence on them for his support, that he should, in all cases, act with freedom for the benefit of the public—that he should not have his attention necessarily diverted from that object to his private concerns—and that he should maintain the dignity of the Commonwealth in the character of its Chief Magistrate—it is necessary that he should have an honourable stated salary, of a fixed and permanent value, amply sufficient for those purposes, and established by standing laws: and it shall be among the first acts of the General Court, after the commencement of this Constitution, to establish such salary by law accordingly.

Permanent and honourable salaries shall also be established by law for the Justices of the Superior Court.

And if it shall be found, that any of the salaries aforesaid, so established, are insufficient, they shall, from time to time, be enlarged, as the General Court shall think proper.

*Lieutenant-governor, and the ascertaining the value of the money, mentioned in this Constitution, as qualifications to office, &c.*

I. There shall be annually elected

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a Lieutenant-governor of the Commonwealth of Massachusetts, whose title shall be—*HIS HONOUR*—and who shall be qualified, in point of religion, property, and residence in the Commonwealth, in the same manner with the Governor. He shall be chosen on the same day, in the same manner, and by the same persons. The return of the votes for this officer, and the declaration of his election, shall be in the same manner: and if no one person shall be found to have a majority of votes, the vacancy shall be filled by the Senate and House of Representatives, in the same manner as the Governor is to be elected, in case no one person has a majority of the votes of the people to be Governor.

II. The Lieutenant-governor shall always be *ex officio*, a Member, and, in the absence of the Governor, President of the Council.

III. Whenever the Chair of the Governor shall be vacant, by reason of his death or absence from the Commonwealth, or otherwise, the Lieutenant-governor, for the time being, shall, during such vacancy, have and exercise all the powers and authorities, which, by this Constitution, the Governor is vested with, when personally present.

IV. The respective values, assigned by the several articles of this Constitution, to the property necessary to qualify the subjects of this Commonwealth to be electors, and also to be elected into several offices, for the holding of which such qualifications are required, shall always be computed in silver at the rate of six shillings and eight pence per ounce.

V. And it shall be in the power of the Legislature, from time to time, to increase such qualifications of the persons to be elected to offices, as the circumstances of the Commonwealth shall require.

E

Council

*Council, and the Manner of settling Elections by the Legislature; Oaths to be taken, &c.*

I. There shall be a Council for advising the Governor in the executive part of government, to consist of nine persons, besides the Lieutenant-governor, whom the Governor, for the time being, shall have full power and authority, from time to time, at his discretion, to assemble and call together. And the Governor, with the said Counsellors, or five of them at least, shall and may, from time to time, hold and keep a Council, for the ordering and directing the affairs of the Commonwealth, according to the laws of the land.

II. Nine Counsellors shall, out of the persons returned for Counsellors and Senators, be annually chosen, on the last Wednesday in May, by the joint ballot of the Senators and Representatives assembled in one room. The seats of the persons, thus elected into the Council, and accepting the trust shall be vacated in the Senate; and in this manner the number of Senators shall be reduced to thirty-one.

III. The Counsellors, in the civil arrangements of the Commonwealth, shall have rank next after the Lieutenant-governor.

IV. Not more than two Counsellors shall be chosen out of any one district of this Commonwealth.

V. The resolutions and advice of the Council shall be recorded in a register, and signed by the members present; and this record may be called for at any time by either House of the Legislature; and any member of the Council may insert his opinion contrary to the resolution of the majority.

VI. Whenever the office of the Governor and Lieutenant-governor shall be vacant, by reason of death, absence, or otherwise, then the Council, or the major part of them, shall, during such vacancy, have full power and authority to do, and ex-

ecute, all and every such acts, matters and things, as the Governor or the Lieutenant-governor might or could, by virtue of this Constitution, do or execute, if they, or either of them, were personally present.

VII. And whereas the elections appointed to be made by this Constitution, on the last Wednesday in May, annually, by the two Houses of the Legislature, may not be completed on that day, the said elections may be adjourned from day to day, until the same shall be completed. And the order of elections shall be as follows: the vacancies in the Senate, if any, shall first be filled up, the Governor and Lieutenant-governor shall then be elected; provided there shall be no choice of them by the people; and afterwards the two Houses shall proceed to the election of the Council.

VIII. The Lieutenant-governor, Counsellors, Senators, and members of the House of Representatives, shall, before they enter on the execution of their respective offices, make and subscribe the same declaration, and take the same oath, (*mutatis mutandis*) which the Governor is directed by this Constitution to make, subscribe and take.

And every person appointed to any civil or military office of this Commonwealth, shall, previous to his entering on the execution of his office, make and subscribe the following declaration, (*mutatis mutandis*) viz.—

I, A. B. being appointed do now declare, that I believe and profess the Christian religion, from a firm persuasion of the truth thereof.

And he shall likewise take an oath of the form following, (*mutatis mutandis*) viz.—

I, A. B. do solemnly swear, that I will bear faith, and true allegiance to the Commonwealth of Massachusetts; that I will faithfully and impartially discharge, and perform all the duties incumbent on me as

accord-

according to the best of my abilities and understanding, agreeably to the rules and regulations of the Constitution; and that I will not attempt, or consent to, a violation thereof. So help me GOD.

Provided notwithstanding, that any person, so appointed, who has conscientious scruples relative to taking oaths, may be admitted to make a solemn affirmation, under the pains and penalties of perjury, to the truth of the matters, contained in the form of the said oath, instead of taking the same.

*Secretary, Treasurer, Commissary, &c.*

I. The Secretary, Treasurer and Receiver-general, and the Commissary-general, Notaries Public, and Naval Officers, shall be chosen annually, by joint ballot of the Senators and Representatives in one room. And that the citizens of this Commonwealth may be assured, from time to time, that the monies remaining in the public Treasury, upon the settlement and liquidation of the public accounts, are their property, no man shall be eligible as Treasurer and Receiver-general more than five years successively.

II. The records of the Commonwealth shall be kept in the office of the Secretary, who shall attend the Governor and Council, the Senate and House of Representatives, in person, or by his deputies, as they shall respectively require.

*Judiciary Power.*

Art. I. The tenure, that all commission officers by law hold in their offices, shall be expressed in their respective commissions. All judicial officers, duly appointed, commissioned and sworn, shall hold their offices during good behaviour: Provided nevertheless, the Governor, with consent of the Council, may remove them upon the address of both Houses of the Legislature; and all other officers, appointed by the Governor and Council, shall hold their offices during pleasure,

II. No Justice of the Superior Court of Judicature, Court of Assize, and General Gaol Delivery, shall have a seat in the Senate, or House of Representatives.

III. The Senate, nevertheless, as well as the Governor and Council, shall have authority to require the opinions of the Judges upon important questions of law, and upon solemn occasions.

IV. In order that the people may not suffer from the long continuance in place of any Justice of the Peace, who shall fail of discharging the important duties of his office, with ability or fidelity, all commissions of Justices of the Peace shall expire, and become void, in the term of seven years, from their respective dates; and upon the expiration of any commission, the Governor and Council may, if necessary, renew such commissions, or appoint another person, as shall most conduce to the well-being of the Commonwealth.

V. The Judges of probate of wills, and for granting letters of administration, shall hold their courts at such place or places, on fixed days, as the convenience of the people shall require. And the Legislature shall, from time to time, hereafter appoint such times and places; until which appointments, the said courts shall be holden at the times and places, which the respective Judges shall direct.

VI. All causes of marriage, divorce and alimony, shall be determined by the Senate; and all appeals from the Judges of Probate shall be heard and determined by the Governor and Council, until the Legislature shall, by law, make other provision. *Delegates to Congress, Commissioners, Writs, Indictments, &c. Confirmation of Laws.—Habeas Corpus,—and enacting Style.*

Art. I. The delegates of this Commonwealth to the Congress of the United States of America, shall,

on the second Wednesday of November, if the General Court be then sitting, or on the second Wednesday of the session next after, be elected annually, by joint ballot of the Senate and House of Representatives; assembled together in one room. They shall have commissions under the hand of the Governor, and under the great seal of the Commonwealth; but may be recalled at any time within the year, and others chosen and commissioned, in the same manner, in their stead.

II. All commissions shall be in the name of the Commonwealth of Massachusetts, signed by the Governor, and attested by the Secretary, or his Deputy; and have the great seal of the Commonwealth affixed thereto.

All writs, issuing out of the Clerk's office, in any of the courts of law, shall be in the name of the Commonwealth of Massachusetts. They shall be under the seal of the court, from whence they issue. They shall bear test of the Chief Justice, or first, or senior Justice of the court to which they shall be returnable, and be signed by the clerk of such court.

IV. All indictments, presentments, and informations, shall conclude, "against the peace of the Commonwealth, and the dignity of the same."

V. All the statute laws of the Province, Colony, or State of Massachusetts-Bay, the common law, and all such parts of the English or British statutes, as have been adopted, used and approved in the said Province, Colony or State, and usually practised on in the courts of law, shall still remain and be in full force, until altered or repealed by the Legislature; such parts only excepted, as are repugnant to the rights and liberties contained in this Constitution.

VI. The privilege and benefit of the writ of Habeas Corpus, shall be

enjoyed in this Commonwealth, in the most free, easy, cheap, expeditious, and ample manner; and shall not be suspended by the Legislature, except upon the most urgent and pressing occasions, and for a short and limited time.

VII. The enacting style, in making and passing all acts, statutes and laws, shall be—"Be it enacted by his Excellency the Governor, the Senate, and House of Representatives, in General Court assembled, and by the authority of the same."—Or, "By his Honour the Lieutenant-governor," &c. or, "The Honourable the Council," &c. as the case may be.

*The University at Cambridge, and encouragement of literature, &c.*

THE UNIVERSITY.

Whereas our wise and pious ancestors, so early as the year one thousand six hundred and thirty-six, laid the foundation of Harvard-College, in which University many persons of great eminence have, by the blessing of God, been initiated in those arts and sciences, which qualified them for public employments, both in Church and State: and whereas the encouragement of arts and sciences, and all good literature, tends to the honour of God, the advantage of the Christian religion, and the great benefit of this, and the other United States of America, it is declared, that the PRESIDENT AND FELLOWS OF HARVARD-COLLEGE, in their corporate capacity, and their successors in that capacity, their officers, and servants, shall have, hold, use, exercise, and enjoy all the powers, authorities, rights, liberties, privileges, immunities, and franchises, which they now have, or are entitled to have, hold, use, exercise, and enjoy; and the same are hereby ratified and confirmed unto them, the said President and Fellows of Harvard-College,

College, and to their successors, and to their officers and servants, respectively, forever.

II. And whereas there have been at sundry times, by divers persons, gifts, grants, devises of houses, lands, tenements, goods, chattels, legacies, and conveyances, heretofore made, either to Harvard-College, in Cambridge, in New-England, or to the President and Fellows of Harvard-College, or to the said College, by some other description, under several Charters successively: IT IS DECLARED, That all the said gifts, grants, devises, legacies, and conveyances, are hereby forever confirmed unto the President and Fellows of Harvard-College, and to their successors, in the capacity aforesaid, according to the true intent and meaning of the donor or donors, grantor or grantors, devisor or devisors.

III. And whereas by an act of the General Court of the Colony of Massachusetts-Bay, passed in the year one thousand six hundred and forty-two, the Governor and Deputy-governor, for the time being, and all the Magistrates of that jurisdiction, were, with the President, and a number of the Clergy, in the said act described, constituted the Overseers of Harvard-College; and it being necessary, in this new Constitution of Government, to ascertain who shall be deemed successors to the said Governor, Deputy-Governor, and Magistrates: IT IS DECLARED, That the Governor, Lieutenant-governor, Council, and Senate, of this Commonwealth, are, and shall be deemed, their successors; who, with the President of Harvard-College, for the time being, together with the Ministers of the congregational churches, in the towns of Cambridge, Watertown, Charles-Town, Boston, Roxbury, and Dorchester, mentioned in the said act, shall be, and hereby are, vested with

all the powers and authority belonging, or in any way appertaining to the Overseers of Harvard-College; PROVIDED, that nothing herein shall be construed to prevent the Legislature of this Commonwealth from making such alterations in the Government of the said University, as shall be conducive to its advantage, and the interest of the republic of letters, in as full a manner as might have been done by the Legislature of the province of the Massachusetts Bay.

*The encouragement of literature, &c.*

Wisdom and knowledge, as well as virtue, diffused generally among the body of the people, being necessary for the preservation of their rights and liberties; and as these depend on spreading the opportunities and advantages of education in the various parts of the country, and among the different orders of the people, it shall be the duty of Legislators and Magistrates, in all future periods of this Commonwealth, to cherish the interests of literature and the sciences, and all seminaries of them, especially the University at Cambridge, public schools, and grammar schools in the towns; to encourage private societies and public institutions, rewards and immunities, for the promotion of agriculture, arts, sciences, commerce, trades, manufactures, and a natural history of the country; to countenance and inculcate the principles of humanity and general benevolence, public and private charity, industry and frugality, honesty and punctuality in their dealings, sincerity, good humour, and all social affections, and generous sentiments, among the people.

*Continuance of Officers, &c.*

To the end there may be no failure of justice, or danger arise to the Commonwealth, from a change of the form of Government, all officers, civil and military, holding commissions under the Government and

and people of Massachusetts-Bay, in New England, and all other officers of the said Government and people at the time this Constitution shall take effect, shall have, hold, use, exercise, and enjoy, all the powers and authority to them granted or committed, until other persons shall be appointed in their stead: and all Courts of Law shall proceed in the execution of the business of their respective departments; and all the executive and legislative officers, bodies, and powers, shall continue in full force, in the enjoyment and exercise of all their trusts, employment and authority, until the General Court, and the supreme and executive officers, under this Constitution, are designated, and invested with their respective trusts, powers, and authority.

*Paris, April 5, 1780.* The Sieur Adams, who has been appointed by the Congress of the United States of America, to assist at the conferences, in case of any negotiation for peace between the belligerent powers, is lately arrived here, and has had the honour of being presented to the King and Royal Family, and most graciously received.

*Extract of a letter from Monsieur de VERGENNES, Minister of State for foreign affairs, to Mr. J. ADAMS, dated Paris, Feb. 21, 1780.*

“ Though you are not at present invested with any public character in France, I wish you to be persuaded that the consideration and esteem which you have justly acquired are not in the least diminished; and I flatter myself, Sir, that you will not deprive me of the pleasure of assuring you of it in person, and likewise of acquainting you with the favourable sentiments with which his Majesty honours you. These are the effect of the King’s peculiar approbation of your conduct, during your commission in France, and of the zeal you

have constantly exerted in the cause of your country, and for the preservation of the alliance by which it is connected with France.”

*From the Boston Independent Chronicle of April 6, 1780.*

The United States having been driven into this just and necessary war, at a time when no regular civil governments were established, of sufficient energy to enforce the collection of taxes, or to provide funds for the redemption of such bills of credit as their necessities obliged them to issue: and before the powers of Europe were sufficiently convinced of the justice of their cause, of the probable event of the controversy, to afford them aid or credit; in consequence of which their bills increasing in quantity beyond the sum necessary for the purpose of a circulating medium, and wanting at the same time specific funds to rest on for their redemption, they have seen them daily sink in value, notwithstanding every effort that has been made to support the same, insomuch that they are now passed, by common consent, in most parts of the United States, at least thirty-nine fortieths below their nominal value, and still remain in a state of depreciation, whereby the community suffers great injuries, the public finances are dragged, and the necessity of disposition for the defence of the country are much impeded and perplexed: and as effectually to remedy these evils, for which purpose the United States are now become competent, their independence being well assured, their civil governments established and vigorous, and the spirit of their citizens ardent for exertion, it is necessary speedily to reduce the quantity of paper medium in circulation, and to establish and appropriate funds that shall ensure the punctual redemption of the bills: therefore,

Resolved, That the several States continue



continue to bring into the Continental Treasury, by taxes or otherwise, their full quotas of fifteen millions of dollars monthly, as assigned them by the resolution of the 7th of October, 1779, a clause in the resolve of the 23d of February last, for relinquishing two thirds of the said quotas to the contrary notwithstanding. And that the States be further called on to make provision for continuing to bring into the said Treasury their like quotas monthly, to the month of April, 1781, inclusive. That silver and gold be received in payment of the said quotas, at the rate of one Spanish milled dollar in lieu of forty dollars of the bills now in circulation.

That the said bills, as paid in, except for the months of January and February past, which may be necessary for the discharge of past contracts, be not issued, but destroyed.

That as fast as the said bills shall be brought in to be destroyed, and the fund shall be established as hereafter mentioned for the other bills, other bills be issued, not to exceed, on any account, one twentieth part of the nominal sum of the bills brought in to be destroyed.

That the bills which shall be issued be redeemable in specie, within six years after the present, and bear an interest at the rate of five per cent. per annum, to be paid also in specie, at the redemption of the bills, or, at the election of the holder, annually, at the present Continental Loan Offices, in sterling bills of exchange, drawn by the United States on their Commissioners in Europe, at four shillings and sixpence sterling per dollar.

That the said new bills issue on funds of individual States, for the purpose established, and be signed by persons appointed by them; and that the faith of the United States be also pledged for the payment of the said bills, in case any State on whose

funds they shall be emitted, should, by the events of war, be rendered incapable to redeem them; which undertaking of the United States, and that of drawing bills of exchange for payment of interest as aforesaid, shall be indorsed on the bills to be emitted, and signed by a Commissioner, to be appointed by Congress for that purpose.

That the face of the bills to be emitted read as follows, viz.

The possessor of this bill shall be paid

Spanish milled dollars, by the 31st day of December, 1786, with interest in like money, at the rate of five per cent. per annum, by the State of

, according to an act of the legislature of the said State, of the day of , 1780.

And the endorsement shall be as follows, viz.

The United States insure the payment of the within bill, and will draw bills of exchange for the interest annually, if demanded, according to a resolution of Congress of the eighteenth day, 1780.

That the said new bills shall be struck under the direction of the Board of Treasury, in due proportion to each State, according to their said monthly quotas, and lodged in the Continental Loan Offices in the respective States; where the Commissioners, to be appointed by Congress, in conjunction with such persons as the respective States appoint, shall attend the signing of the said bills, which shall be completed no faster than in the aforesaid proportion of one to twenty of the other bills brought in to be destroyed; and which shall be lodged for that purpose in the said Loan Offices.

That as the said new bills are signed and completed, the States respectively on whose funds they issue, receive six tenths of them; and that the remainder be subject to the orders of the United States, and credited

dited to the States on whose funds they are issued, the accounts whereof shall be adjusted agreeably to the resolution of the 6th of October, 1779.

That the said new bills be receivable in the payment of the said monthly quotas, at the same rate as aforesaid of specie, the interest thereon to be compleated to the respective States, to the day the payment becomes due.

That the respective States be charged with such parts of the interest on their said bills as shall be paid by the United States in bills of exchange, and the account thereof shall be adjusted, agreeable to the resolution aforesaid of October 6, 1779.

That whenever interest on the bills to be emitted shall be paid, prior to this redemption, such bills shall be thereupon exchanged for others of the like tenor, to bear date from the expiration of the year for which such interest is paid.

That the several States be called on to provide funds for their quotas of the said new bills, to be so productive as to sink or redeem one sixth part of them annually, after the first day of January next.

That nothing in the foregoing resolution shall be construed to ascertain the proportions of the expences incurred by the war, which each State, on final adjustment, ought to be charged with; or to exclude the claims of any State to have the prices at which different States have furnished supplies for the army hereafter taken into consideration and equitably adjusted.

That the foregoing resolutions, with a letter from the President, be dispatched to the executive of the several States, and that they be requested to call their Assemblies, if not already convened, as speedily as possible, to take them into immediate consideration, to establish ample

and certain funds for the purposes therein mentioned, and to take every other measure necessary to carry the same into full and vigorous effect, and that they transmit their acts for that purpose to Congress without delay.

*March 20, 1780.*

Resolved, That it be recommended to the States to revise their laws enacted pursuant to a former resolution of Congress, making the Continental bills of credit a tender discharge of debts and contracts, and to amend the same in such a manner as they shall judge most conducive to justice, in the present state of the paper currency: and that it be further recommended, that the said laws be enacted in such manner that no person may take unjust advantage to defeat the good purposes of this resolution, by availing themselves of the notice thereof before the passing of the several acts.

*March 21, 1780.*

Resolved, That it be recommended to the Governments of the several States to suspend making the appointments of officers in their respective files, except where the Commander in Chief, or commanding officer in the southern department, shall deem such appointments indispensibly necessary.

Extract from the minutes,  
CHARLES THOMSON, Secretary.  
True copy, Attest.  
JOHN AVERY, Dep. Secretary.

*From the LONDON GAZETTE  
EXTRAORDINARY.*

*Admiralty-Office, May 25.*

Captain Uvedale, late Commander of his Majesty's ship Ajax, and Captain Bazely, of his Majesty's ship the Pegasus, arrived late last night with dispatches from Sir George Brydges Rodney, Bart. Commander in Chief of his Majesty's ships at the Leeward Islands, to Mr. Stephens, giving the following account of the defeat of the

the French fleet, under the command of the Comte de Guichen.

*Extract of a letter from Sir GEORGE BRYDGES RODNEY, to Mr. STEPHENS, dated Sandwich, off Fort Royal Bay, Martinique, April 26, 1780.*

Since acquainting their Lordships of my arrival at Barbadoes and St. Lucia, and taking upon me the command of his Majesty's ships on this station, the enemy, who had paraded for several days before St. Lucia with twenty-five ships of the line and eight frigates, full of troops, and were in hopes of surprizing the island, were disappointed in their views, by the good disposition of the troops made by General Vaughan, and of the ships by Rear Admiral Parker. They retired into Fort Royal Bay a few hours before my arrival at Gros Illet Bay on the 27th of March.

As soon as the fleet could possibly be got ready, I determined to return their visit, and offer them battle; and accordingly on the 2d of April proceeded with the whole fleet off Fort Royal Bay, where, for two days, I offered the enemy battle; the fleet being near enough to count all their guns, and at times within random shot of some of their forts. Monsieur de Guichen, notwithstanding his superior number, chose to remain in port. I thought it most proper for his Majesty's service to leave a squadron of copper-bottomed ships to watch the motions of the enemy, and to give me timely notice should they attempt to sail. With the other I anchored in Gros Illet Bay, ready at a moment's warning to cut or slip, in order to pursue or engage the enemy, should they leave Fort Royal Bay.

In this situation both fleets remained till the 15th instant, when the enemy with their whole force put to sea in the middle of the night; immediate notice of which

being given me, I followed them, and having looked into Fort Royal Bay, and the road of St. Pierre's, on the 16th we got sight of them about eight leagues to leeward of the Pearl Rock. A general chase to the north west followed; and at five in the evening we plainly discovered that they consisted of 23 sail of the line, one 30 gun ship, three frigates, a lugger and cutter. When night came on I formed the fleet in line of battle a-head, and ordered the Venus and Greyhound frigates to keep between his Majesty's and the enemy's fleets, to watch their motions, which was admirably well attended to by that good and veteran officer Capt. Ferguffon.

The manœuvres of the enemy, made during the night, indicated a wish to avoid battle, which I was determined they should not, and therefore counteracted all their motions.

At day light in the morning of the 17th, we saw the enemy distinctly beginning to form the line a-head at two cables length distance. At 45 minutes after six I gave notice by public signal, that my intention was to attack the enemy's rear with my whole force; which signal was answered by every ship in the fleet. At seven A. M. perceiving the fleet too much extended, I made the signal for the line of battle at one cable's length asunder only.

At 30 minutes after eight, A. M., I made a signal for a line of battle a-breast, each ship bearing from the other N. by W. and S. by E. and bore down upon the enemy. This signal was penetrated by them, who discovered my intention, wore, and formed a line of battle on the other tack: I immediately made a signal to haul the wind, and form the line of battle a-head; at nine A. M., made the signal for the line of battle a-head, at two cables length on the larboard tack.

The different movements of the enemy

enemy obliged me to be very attentive, and watch every opportunity that offered of attacking them to advantage.

The manœuvres made by his Majesty's fleet will appear to their Lordships by the minutes of the signals made before and during the action. At eleven A. M. I made the signal to prepare for battle, to convince the whole fleet I was determined to bring the enemy to an engagement. At 50 minutes after eleven A. M. I made the signal for every ship to bear down and steer for her opposite in the enemy's line, agreeable to the 21st article of the additional fighting instructions. At 55 minutes past eleven A. M. I made the signal for battle. A few minutes after, the signal that it was my intention to engage close, and, of course, the Admiral's ship to be the example. A few minutes before one P. M. one of the headmost ships began the action. At one P. M. the Sandwich in the center, after having received several fires from the enemy, began to engage. Perceiving several of our ships engaging at a distance, I repeated the signal for a close action. The action in the center continued till 15 minutes past four P. M. when Mons. Guichen, in the Couronne, in which they had mounted 90 guns, the Triumphant and Fendant, after engaging the enemy for an hour and an half, bore away. The superiority of the fire from the Sandwich, and the gallant behaviour of the officers and men, enabled her to sustain so unequal a combat; though, before attacked by them, she had beat three ships out of their line of battle, had entirely broke it, and was to leeward of the wake of the French Admiral.

At the conclusion of the battle the enemy might be said to be completely beat; but such was the distance of the van and the rear from the center, and the crippled condition of several ships, particularly the Sandwich, who, for twenty-four hours,

was with difficulty kept above water, that it was impossible to pursue them that night without the greatest disadvantage: however, every endeavour was used to put the fleet in order: and I have the pleasure to acquaint their Lordships, that on the 20th we again got sight of the enemy's fleet, and for three successive days pursued them, but without effect. They using every endeavour possible to avoid a second action, and endeavoured to push for Fort Royal, Martinique. We cut them off: to prevent the risque of another action, they took shelter under Guadaloupe.

As I found it was in vain to follow them with his Majesty's fleet in the condition they were in, and every motion of the enemy indicating their intention of getting to Fort Royal Bay, Martinique, where alone they could repair their shattered fleet, I thought the only chance we had of bringing them again to action was to be off Fort Royal before them; where the fleet under my command now is, in daily expectation of their arrival. I have dispatched frigates to windward and to leeward of every island, to give me notice of their approach.

Admiral Parker acquaints me that several of the enemy's van were greatly disabled, and forced to bear away; his own ship was damaged; and the main-mast in great danger.

I cannot conclude without acquainting their Lordships, that the French Admiral, who appeared to me to be a brave and gallant officer, had the honour to be nobly supported during the whole action.

Captain Uvedale of his Majesty's ship Ajax, whose health won't permit him to remain in this country, and Captain Bazely, of the Pegasus, are charged with my dispatches, and will acquaint their Lordships with every particular they may wish to know. Inclosed I send a list of the killed and wounded.

LINE

## LINE of BATTLE,

*On the day of action, April 17, 1780.*

The Sterling Castle to lead with the starboard tack, and the Magnificent with the larboard tack.

## Rear Admiral Parker's division.

|                  |                     |   | Guns. | Men. |
|------------------|---------------------|---|-------|------|
| Sterling Castle, | Capt. Carkett       | — | 64    | 500  |
| Ajax, —          | Capt. Uvedale       | — | 74    | 600  |
| Elizabeth,       | Hon. Capt. Maitland | — | 74    | 600  |
| Princess Royal,  | Admiral Parker      | } | 90    | 770  |
|                  | Capt. Harmood       |   |       |      |
| Albion, —        | Capt. Bowyer        | — | 74    | 600  |
| Terrible, —      | Capt. Douglas       | — | 74    | 600  |
| Trident, —       | Capt. Molloy        | — | 64    | 500  |
|                  | Greyhound frigate.  |   |       |      |

Sir George Brydges Rodney, Bart. Commander in Chief, his division.

|             |                            |   |    |     |
|-------------|----------------------------|---|----|-----|
| Grafton, —  | Commodore Collingwood      | } | 74 | 617 |
|             | Capt. Newnham              |   |    |     |
| Yarmouth, — | Capt. Bateman              | — | 64 | 500 |
| Cornwall, — | Capt. Edwards              | — | 74 | 600 |
| Sandwich, — | Sir George Brydges Rodney, | } | 90 | 752 |
|             | Bart.                      |   |    |     |
|             | Capt. Young                | — | 74 | 600 |
| Suffolk, —  | Capt. Crespin              | — | 68 | 520 |
| Boyne, —    | Capt. Cotton               | — | 64 | 500 |
| Vigilant, — | Capt. Sir G. Home          | — |    |     |

Venus, (to repeat signals) Deal Castle, Pegasus frigates.

## Rear Admiral Rowley's division.

|                |                        |   |    |     |
|----------------|------------------------|---|----|-----|
| Vengeance, —   | Commodore Hotham       | } | 74 | 617 |
|                | Capt. Holloway         |   |    |     |
| Medway, —      | Capt. Affleck          | — | 60 | 420 |
| Montagu, —     | Capt. Houlton          | — | 74 | 600 |
| Conqueror, —   | Rear Admiral Rowley    | } | 74 | 617 |
|                | Capt. Watson           |   |    |     |
| Intrepid, —    | Hon. Capt. H. St. John | — | 64 | 500 |
| Magnificent, — | Capt. Elphinstone      | — | 74 | 600 |

Andromeda frigate. Centurion to assist the rear in case of need.

G. B. RODNEY.

*List of killed and wounded in the engagement with the French fleet, on the 17th of April, 1780.*

| Ships.          | Killed. | Wound. |
|-----------------|---------|--------|
| Sterling Castle | 4       | 34     |
| Ajax —          | 4       | 13     |
| Elizabeth —     | 9       | 15     |
| Princess Royal  | 5       | 14     |
| Albion —        | 3       | 2      |
| Terrible —      | —       | —      |
| Trident —       | 14      | 26     |
| Grafton —       | 2       | 30     |
| Yarmouth —      | 5       | 15     |

|               |    |    |
|---------------|----|----|
| Cornwall —    | 21 | 49 |
| Sandwich —    | 18 | 51 |
| Suffolk —     | —  | 12 |
| Boyne —       | 2  | —  |
| Vigilant —    | —  | 2  |
| Vengeance —   | 1  | 6  |
| Medway —      | 2  | 2  |
| Montagu —     | 9  | 26 |
| Conqueror —   | 13 | 36 |
| Intrepid —    | 7  | 9  |
| Magnificent — | 1  | 10 |

Total 120 353

£ 2

Officers

*Officers killed.*

Hon. Capt. St. John, of the Intrepid; Lieut. Deacon, 1st Lieut. of ditto; Lieut. Hooper, 2d. Lieut. of ditto; Mr. Dam, a Danish Lieut. of ditto. Lieut. Monckton, of the Sandwich. Lieut. Wigmore, of the Medway.

*Officers wounded.*

Captain Houlton, of the Montagu; Hon. Alexander Cochrane, 4th Lieut. of ditto. Capt. Carey, of the marines. Capt. Ogle, of the 87th regiment, doing duty on board. Capt. Newnham, of the Grafton; Lieut. Steward, 3d Lieut. of ditto. Lieut. Edward Smith, of the Sandwich. Lieut. Harriott (marines) of the Elizabeth. Gunner of the Intrepid.

## G. B. RODNEY.

*Extract of a letter from the Honourable Major-general VAUGHAN, Commander in Chief of his Majesty's forces in the Leeward and Caribbee Islands, to Lord GEORGE GERMAIN, dated St. Lucia, April 25, 1780.*

Intelligence having been received of the French fleet moving from Fort Royal, Sir George Rodney immediately put to sea; and as openings might offer of viewing the enemy's islands, affording the troops such support as they might require, or of contributing in any measure to the service, I accompanied him in the Sandwich, which bore the most distinguished share in the action that happened on the 17th instant. No ship could have been led on with more gallantry, or do the annals of the navy record a greater character than Sir George supported, in setting the noblest of examples: but to attempt his praise would be detracting from his merit, which surpasses applause.

Lieutenant-colonel Musgrave's very ill state of health has induced him to apply for leave to go to Europe for its recovery; as he has been

long in this country, intimately acquainted with every transaction that has happened, and can give your Lordship the fullest information, I beg leave to refer to him for other particulars: he has acted as Quarter-master-general, and always distinguished himself in every line of service so highly, that I sincerely regret the occasion of his quitting this island.

Your Lordship will allow me to add, that the height of my ambition will be the opportunity of promoting his Majesty's service, to which all my endeavours shall be exerted.

*From the Pennsylvania Journal.*

*Philadelphia, April 8, 1780.*

*A copy of the following confidential letter, to Lord GEORGE GERMAIN, was taken, with a number of other dispatches, and duplicates of dispatches, from Sir HENRY CLINTON, on board a packet, by one of our Eastern privateers. Our vessel had the address to appear as a New-York privateer, 'till she gained her purpose.*

*[Private, No. 15.]*

*Savannah, in Georgia, Jan. 30, 1780.*

My Lord,

I had the honour to address your Lordship in my official capacity, on the 30th December ult. dated at New-York, in which I gave a special detail of the regiments and corps then embarked, referring you for the naval operation and force to Admiral Arbuthnot's dispatch.

From the time I was honoured with your Lordship's instructions to evacuate Rhode Island, and to condense and dispose of the King's troops, on such a scale as would afford the most substantial protection to New-York, and such of its dependencies, as might be held consistently with the force to be withdrawn, for the proposed Southern operations, 'till the moment of embarkation, no opportunity whar-

ever

ever has offered itself to strike any part of the enemy, or even to venture upon any incursion that promised advantage superior to the risque. Besides, as I communicated in my last, the violent demonstrations of the rebels, which threatened a determined attack of the post at New-York, in conjunction with a large naval and land armament under Count d'Estaing, then directing itself against the garrison at Savannah, necessarily turned our whole endeavours to defeat so alarming a combination.

The regular troops under General Washington, amounted at this period to sixteen thousand men, to which is to be added, the army commanded by General Sullivan, then on its return from a successful expedition against our Indian allies, and but very little diminished by the campaign. This gave him a force of twenty thousand effectives: but your Lordship will be able to form a more perfect judgment of our measures, when you combine with this army the militia of Pennsylvania, New Jersey, New-York, Connecticut, and Massachusetts, which were ready to be drawn together on the shortest notice, and whose spirits were peculiarly exalted at this crisis, from the prospect of a city full of wealth, and devoted to plunder; and by the flattering idea of ending the war by its capture.

Not a moment was to be lost in such a critical conjuncture; for every moment was important, and expected to come with the account of d'Estaing's appearance before our harbour. The works at Brooklyn, and on Governor's Island were enlarged and improved, new works were erected at the watering place, and Sandy Hook; the King's battery at New-York was repaired, and mounted with heavy ordnance; and places marked out, and defences provided to cover the shipping along the Sound. These preparations employed the

whole labour of the army; and I cannot but observe in addition to what I have said in my official letter, the general readiness in most of the refugees, to accelerate these important objects.

I flatter myself, after this enumeration, your Lordship will concur in the impracticability for essaying any thing against the enemy. Washington remained in his fastnesses at the Highlands, and so posted, as to use the Hudson to the greatest advantage, in making his impression on our left; while every advantage of water was also in his power by the Sound, and under protection of the French fleet, exposed us to the most perplexing embarrassments. Assailable in so many points, and every instant expecting d'Estaing, we had but time to look towards, and take measures for, our own defence, and the occasion required us to put forward our best exertions.

I do not reckon, my Lord, among the lesser misfortunes of the last year, the operations of d'Estaing on the American coast; the vast relief thereby given to the Rebel trade, and the injury which it brought upon our's; the impression it carried home to the minds of the people, of our lost dominion of the sea, and the disposition of the French, to give them every assistance reconcileable with the general objects of the war, to complete our ruin on the Continent; the reduction of the King's force in Georgia, by the combined operations in that quarter, and its consequent effects, for although our brave garrison escaped, yet a greater detachment from New-York became indispensable, than was at first intended, and necessarily placed it in a condition, much below your Lordship's expectations; the expence it has accumulated by the sinking of ships to obstruct the entrance into that harbour, and the raising of new works, and improving of old ones, which will

will be useless, unless an army, as large as was then at New-York, should be kept there for its defence. These considerations, my Lord, while they fill me with the utmost mortification, will convey to your Lordship the causes that delayed so long the entrance on the execution of a plan, with which I have the honour to be entrusted.

In the official letter, of the 25th instant, you will find a detail of the distressed and shattered state of the fleet, by a succession of the most severe storms. I enumerated the several transports with troops taken by the enemy, as far as they had come to my knowledge, with our losses in store-ships, horses, cavalry, and the military apparel, absolutely essential to the enterprize against Charles-town; but a very few of the missing vessels have arrived since.

By this last misfortune our affairs are not only deranged, but nearly at a stand. Pressed by my inclination to go forward; stimulated by the danger which hangs over the Floridas to advert to their protection; unwilling to divide a force, in its present situation *incompetent* to the original purpose; distracted between calls the most urgent; our numbers decreasing by the unhealthiness of the climate, even while I am writing to your Lordship. In such situation, can I, my Lord, but express myself feelingly? and I trust your sympathy is not to be the only consolation I am to expect from my country. Hitherto a train of incidents peculiar, and beyond human foresight, have set in against the arms of my Royal master; but as they were beyond our foreknowledge, no precaution of ours could have counteracted them. It is this which will be our apology for what we have not done, and I flatter myself, that when we come to act, we shall want none; for what we shall do. But to be in a capacity to proceed on the original plan, I have dispatched a

packet-boat to New-York; with a demand on that garrison, of which the inclosed is a copy. Your Lordship will perceive that the succour of men only is made provisional. I hesitated on the measure I have taken, I hesitated between the danger to which New-York would be exposed, and the necessity for prosecuting the views of government, in such a manner, as to give them a moral certainty of success; and I cannot but persuade myself, that my decision on this matter will meet the sanction of your sentiments. 'Till the result of this dispatch is felt, I fear lest every move we shall make should fall short of the original purpose, and in this case, every move will be a real misfortune; and yet, unhappily as we are circumstanced, it appears of the utmost expediency, that we should do something; that we should approach Charles-town, and either make a *sudden* attack upon the place, or wait favourable conjunctures in its vicinity: we are preparing for this purpose, and with every possible expedition, for every day raises fresh bars to our expectations. My advices from all quarters serve only to confirm what I foresaw previous to our landing in this province. We no longer rest upon our first foundation. Our bad fortune has offered Carolina leisure to think, and to adapt itself to the degree and nature of the danger with which it was threatened. It has received aids from North Carolina. Reinforcements of cavalry have also arrived from Gen. Washington, and other reinforcements are also on their march. Lincoln has been industrious and successful in putting Charles-town in the best posture of defence: a very respectable line of abattis is nearly compleated. The advanced ditch is enfiladed on the right and left by 24 pounders, and its scarp is defended by fallen trees, the trunks of which are obliquely sunk into the earth in the manner of a fraise work.

The



The profiles of the batteries are of the first rate, and the whole formidable by its artillery. The approach on either side of the neck will be opposed by a number of armed vessels and moveable batteries, capable of giving us extreme annoyance. A descent on the southern side of the town can only be attempted in flat-bottomed boats, and in the face of a numerous artillery, and *without any on our part*, to cover the debarkation, when we have forced the passes of Ashley-river, and formed the siege. — These are but a few of the obstructions we must encounter in a land attack: but should we succeed in destroying the naval strength within the bar, we shall have little to apprehend from those. The garrison in this case must evacuate the town or become prisoners. The naval force of the harbour consists of four Continental frigates, two French armed ships, two provincial ships, and six armed vessels, most of which are mounted with heavy cannon. Now, my Lord, the Continental frigates only, within distance for defending the bar, are at least formidable, if not superior, to any naval force that can be brought against them. Your Lordship is well informed that nothing larger than frigates can enter with their guns on board, and even frigates must approach singly, and be successively subject for a considerable time to the broadsides which will rake them fore and aft, whilst the least false movement is sufficient to throw them on the breakers.

This, my Lord, is but an incomplete specification of the change in their circumstances. The policy which you so much dreaded, is at length embraced by South Carolina. The people seem to have got over their vain apprehensions, and have resolved on making soldiers of a proportion of their working negroes. They now perceive that their fears on this head were visionary, or founded

on the destructive principle of self interest, which yields even less than the widow's mite with reluctance. They are now convinced that a superior influence in the officer will, in every conjuncture, be the same over men of a black colour, as over those of a different complexion. Nay, that this influence will have a greater scope, as the intellects of those it directs have been deprived of the advantages of improvement. That there are no better reasons for presuming that the negroes would be averse from resuming their old employments in the field, than that the men who composed the American army would not, at the conclusion of the war, return to their former occupations. That while the black soldiers would augment the military strength of the rebel state, they at the same time would guard the allegiance of those that remained on the farms; and so far from leading to their desertion, that they would stand as an insurmountable barrier between them and us. That the blacks on the plantations would be flattered by seeing a part of their brethren sharing in the dangers and honours of the whites, and that while this would serve to reconcile those at home to their situation, it would form those who were to become soldiers to the sentiments of their country, by interesting them in the soil, which they were called out to defend. Thus, my Lord, are we deprived of another principal support; but you may be assured, that all and each of these sentiments have been severally and separately combated, and that all and every means have been practised against what has happened, and that necessity more than the reasoning of our enemy, has forced the measure upon Carolina. There are moments which will operate to the good of a community, notwithstanding the utmost policy to the contrary. Under the present circumstances of this people, even the loss of Charles-

town,

town will but inconsiderably affect the province. In this case, we should only have gained a healthy situation for an unhealthy one, or a place where we might spend the hot months with least interruption. If we cannot, my Lord, destroy the spirit and resource of the province, by extending ourselves to the utmost limits of your Lordship's instructions, we shall accomplish nothing substantial for Great Britain. The strength of North Carolina, and the neighbouring provinces, will keep gathering round us, 'till we shall become contemptible in the eyes of Europe, or fall an easy prey to a combined operation. In these my confidential communications, I would hope to be considered as only discharging a part of my duty to the state. I may regret, I may lament; but still it becomes a servant of his Majesty, and an Englishman, *not to misrepresent.*

It is necessary, my Lord, that I should attach to the state of rebel affairs, transmitted in my confidential letter of last September, [No. 14.] my observations since that period down to the present; the amount of my information does not leave a doubt but that Washington's army, altho' crumbling away by the expiration of the terms of service of his oldest and best soldiers, will be vigorously recruited. Orders, administration may rely upon it, have issued from Congress for the filling up and compleating the quantities apportioned on the different States, and which I do myself the honour to inclose. And I fear, that the rebels will not leave a single expedient untried to effect this business. They find themselves impelled, by the most powerful motives to be in a condition to force us from the continent, or in a capacity to cope with the King's army now acting in America, when joined by the succours which may be expected from Europe. Experience has taught them the precariousness of that situation, which

is without any superior army for its support. *And I am obliged to say of these people, that when they have once ascertained their true policy, none are more obstinate in the pursuit.* Calculating, my Lord, upon this and my preceding information, it is that I do not think a less number of troops should be sent for the objects, than what I have before specified. But should no reinforcements be sent, and should a naval armament co-operate with the Americans, under the circumstances I have described, your Lordship at least will have had preclusions of the result.

I should be wanting to my civil commission, in closing this letter, without a few reflections on the present state of the money of America. Every day teaches me the futility of calculations founded on its failure. No experiments suggested by your Lordship; *no assistance that could be drawn from the power of gold, or the arts of counterfeiting, have been left unattempted.* But still the currency, like the widow's cruize of oil, has not failed the Congress. My hopes on this head, I must acknowledge, were much higher, twelve months since than to day. With the appearance of an enormous quantity, still it is all the debt which the people have to struggle with: and in this view, and when compared with that of other nations, *it shrinks into a very inconsiderable sum.* The people begin to be sensible of this; but on the other hand, all men, even the friends of the British Government, residing in the Rebel States, would be immense sufferers, did the money fall to the ground without a substitute. The different acts of the States, which made it a lawful tender, forced it into every pocket. The continuance of the war; the almost total disappearance of specie, and the necessity there was for employing some medium for trade, or auxiliary, in the way of barter, assisted further in its general promulgation, till at length every

every individual found it his interest, to closely connected with its value, *that it is candidly my sentiment, no efforts of ours can make it less.* If it is to be destroyed at all, it can only be by Congress; and in this case, it will undoubtedly be succeeded by some substitute more valuable and permanent. I shall, nevertheless, my Lord, continue, while I have the honour to command in America, assiduous in the application of *those means entrusted to my care*; if they cannot work its destruction, yet they embarrass Government, and make the carrying on the war more precarious, burdensome, and less energetic.

I have the honour to be,  
With every sentiment of respect,  
My Lord, your Lordship's  
Most obedient and very  
Humble servant,  
H. CLINTON.

To the Right Hon. Lord George Germain, one of his Majesty's principal Secretaries of State.

From the LONDON GAZETTE EXTRAORDINARY.

Whitehall, June 15, 1780.

This morning the Earl of Lincoln, Aid de Camp to his Excellency General Sir Henry Clinton, Knight of the Bath, arrived at this office with the following dispatch for the Right Honourable Lord George Germain:

Charles-Town, May 13, 1780.

My Lord,

I will not trouble your Lordship with a repetition of the delays and difficulties which protracted serious operation until the 29th of March, on which day the landing on Charles-Town Neck was effected.

By this time a depot was formed; the Admiral had passed the bar; and I had the essential assistance of officers and seamen of the Royal Navy for my operations. I was also strengthened with the corps from Georgia, under Brigadier-general

Patterson, which, through a country intersected with rivers, and rendered more difficult by heavy rains, had advanced, not unopposed, in the space of twelve days from Savannah to Ashley River.

The passage of Ashley, under the conduct of Capt. Elphinstone, and by the good service of the officers and sailors of the fleet, was accomplished with order and expedition, and without resistance on the part of the enemy.

The day succeeding it the army moved towards Charles-Town, and on the night of the first of April broke ground within 800 yards of the rebel works.

By the 8th our guns were mounted in battery; and I had the satisfaction to see the Admiral pass into Charles-Town harbour, with the success his conduct deserved, though under a very heavy fire from Sullivan's Island.

At this period we judged it advisable to send the inclosed summons to the place, which returned the answer I have the honour to transmit with it.

The batteries were opened the next day. From their effect we soon observed the fire of the enemy's advanced works to abate considerably; the attention of the engineers, and diligence of the troops but increasing as they proceeded. A second parallel was completed on the 19th of April, and secure approaches opened to it. We were now within 450 yards of the place.

My communications had hitherto required the greatest attention. They had been chosen from Perreneau's landing in Stono River across the Wappoo, and by small inlets, leaving only a mile of land carriage into the part of Ashley River opposite our camp.

Works for the protection of the stores and shipping in Stono, others on the communication, and several

Vol. X. b. 1. p. 100. to 101.

G. and J. Knowlton, printers.

redoubts and batteries on Ashley, were the labours necessary to give security in so important a point.

The presence of the fleet in the harbour relieving me from apprehension on that part, and the Admiral taking to himself the defence of Fort Johnson, I was able to detach 1400 men under Lieutenant-colonel Webster, of the 33d regiment, to break in upon the enemy's remaining communication with the country.

Our success but for this measure would have been incomplete, as I had reason to fear a naval force could not be got into Cooper's River, nor consequently the place to be totally invested.

Your Lordship will observe, that Colonel Webster had, in the execution of his orders, rivers to cross, and other difficult operations to effect, in presence of a very superior cavalry, which might harass him much. It was, therefore, of the utmost importance to strike at this corps, and, as suddenly as possible, to seize the principal passes of the country.

The surprize and defeat of the collected cavalry and militia of the rebels, and the possessing Biggin's Bridge over Cooper, by Lieutenant-colonel Tarleton with the horse, the legion, and Major Ferguson's detachment, gave the command of the country to Colonel Webster, threw into his hands great supplies of provision, and enabled him to take a post near the head of Wandoo River, forbidding by land all farther access to the town from Cooper to the inland navigation. An armed naval force which the Admiral sent into Serree Bay, and another stationed in Spencer's Inlet, completed the investiture to the sea.

A considerable reinforcement joining me from New-York the 18th of April, I immediately strengthened the corps beyond Cooper River,

which, thus augmented, I requested Lieutenant-general Earl Cornwallis to take under his command.

On the 6th of May, the third parallel was completed close to the edge of the rebel canal, and a sap carried to the dam, which contained its water on the right, by which means a great part was drained to the bottom.

We could now form juster opinions of the defences of the town towards the land, which extended in a chain of redoubts, lines, and batteries, from Ashley to Cooper. In front of either flank of the works, swamps, which the canal connects, ooze to each river; betwixt these impediments and the place are two rows of abatis, various other obstructions and a double picketted ditch; a horn-work of masonry, which, during the siege, the enemy closed as a kind of citadel, strengthened the center of the line and the gate, where the same natural defences were not found as near the water: eighty pieces of cannon or mortars were mounted in the extent of these lines.

On the 6th of May our batteries were ready in the third parallel.

New and very forcible motives now prevailed to induce the place to capitulate. Admiral Arbuthnot had landed a force of seamen and marines on Sullivan's island, under Captain Hudson, to whom, on the threat that ships should batter the fort, the garrison delivered themselves upon terms.

Lieutenant-general Earl Cornwallis had been no less successful in the country. The cavalry under Lieutenant-colonel Tarleton had again the good fortune which conduct and gallantry deserve, and overtook at the Santee a body of horse the enemy had, with infinite difficulty, collected together. They were most spiritedly charged, and defeated. Most of the riders fled to the morasses,

ses, or threw themselves into the river, from whence few have extricated themselves. Fifty or sixty men were killed or taken, and every horse of the corps, with the arms and appointments, fell into our hands.

Although, in a second correspondence which the enemy solicited, they had shewn in their proposals for a surrender far too extensive pretensions, the Admiral and myself could not refrain from attempting once more to avert the cruel extremity of a storm. In this renewal of treaty, however, we did not find their indiscretion much abated.

The batteries of the third parallel were therefore opened, and a manifest superiority of fire soon obtained; the corps of Yagers acting as marksmen, were on this occasion extremely useful.

Under this fire we gained the counterescarp of the outwork which flanked the canal, the canal itself was passed, and work carried on towards the ditch of the place.

The 11th, General Lincoln sent to us his acquiescence in the terms he had two days before objected to. Whatever severe justice might dictate on such an occasion, we resolved not to press to unconditional submission a reduced army, whom we hoped clemency might yet reconcile to us. The articles of capitulation were therefore signed, such as I have the honour to inclose them.

On the 12th, Major-general Leslie took possession of the town.

There are taken, seven General Officers, a Commodore, ten continental regiments, and three battalions of artillery, together with town and country militia, French, and seamen, make about six thousand men in arms. The Titular, Deputy-governor, Council, and Civil Officers, are also prisoners.

Four frigates and several armed vessels, with a great number of boats, have likewise fallen into our possession,

and about four hundred pieces of cannon.

Of the garrison, artillery, and stores, your Lordship will have as perfect returns as I shall be able to collect.

I have yet, my Lord, to add to this letter, the expressions of gratitude I owe to the army, whose courage and toil have given me success.

I have most warmly to thank Lieutenant-general Earl Cornwallis, Major-generals Leslie, Huynes, and Kosborth, and Brigadier-general Pasterson, for their animated assistance.

I trust I do not flatter myself vainly, that the good services during the siege, of the officers and soldiers of the Royal Artillery, of Captain Elphinstone, and the officers and seamen of the Royal Navy serving with us on shore, of the corps of engineers, of the officers and soldiers of every corps, British and Hessian, and particularly the Yager detachment, will receive his Majesty's gracious approbation.

I have especially to express my obligation to Lieutenant-colonel Webster, and the corps which acted under him. And I have to give the greatest praise to Lieutenant-colonel Tarleton and the cavalry, for their conduct, bravery, and eminent services.

But to Major Moncrieff, the commanding engineer, who planned, and with the assistance of such capable officers under him, conducted the siege with so much judgment, intrepidity, and laborious attention, I wish to render a tribute of the very highest applause, and most permanent gratitude; persuaded, that far more flattering commendations than I can bestow will not fail to crown such rare merit.

Your Lordship has seen how great a share Admiral Arbuthnot and the fleet have had in every measure. I can add, that had we been necessi-

tated to make an assault, I am persuaded a very conspicuous part would have been taken by the ships, to favour us at that important crisis.

I have the honour to send your Lordship returns of our loss.

I have the honour to be, &c.

H. CLINTON.

*Return of the killed and wounded of the troops under the command of his Excellency General Sir HENRY CLINTON, from the debarkation in South Carolina the 11th of February, to the surrender of Charles-Town the 12th of May.*

*British.*

Royal artillery. 5 rank and file killed; 7 ditto wounded.

1st battalion of light infantry. 8 rank and file killed; 1 Serjeant, 17 rank and file wounded.

2d battalion ditto. 11 rank and file killed; 1 Lieutenant, 12 rank and file wounded.

Detachment of ditto. 3 rank and file killed; 7 ditto wounded.

1st battalion grenadiers. 1 Serjeant, 4 rank and file killed; 2 Lieutenants, 1 Serjeant, 18 rank and file wounded.

2d battalion ditto. 10 rank and file killed; 1 Lieutenant, 11 rank and file wounded.

7th. 1 rank and file killed; 2 ditto wounded.

23d. 4 rank and file wounded.

33d. 1 rank and file killed; 2 ditto wounded.

62d. 2 rank and file killed.

63d. 4 rank and file wounded.

64th. 1 rank and file wounded.

71st. 2 Ensigns, 6 rank and file killed; 1 Captain, 1 Lieutenant, 14 rank and file wounded.

*German.*

Yagers. 7 rank and file killed; 14 ditto wounded.

Liaising. 2 rank and file killed; 7 ditto wounded.

Lengerck. 1 rank and file killed; 15 ditto wounded.

Schuler. 3 rank and file killed; 18 ditto wounded.

Graff. 2 rank and file killed; 2 Lieutenants, 8 rank and file wounded.

Hoyne. 5 rank and file wounded.

*Provincial.*

New York volunteers. 2 rank and file killed; 1 ditto wounded.

British legion. 5 rank and file killed; 9 ditto wounded.

South Carolina royalists. 3 rank and file wounded.

Ferguson's corps. 5 rank and file wounded.

*Total, British, German, and Provincial.*

2 Ensigns, 1 Serjeant, 73 rank and file killed; 1 Captain, 7 Lieutenants, 2 Serjeants, 179 rank and file wounded.

*Officers killed.*

71st regiment. Ensigns M. Gregor, Ensign Cameron.

*Officers wounded.*

22d regiment grenadier company. Lieutenant White.

33d ditto. Lieutenant Bevor,

42d ditto. Lieutenant Grant.

64th ditto. Light infantry. Lieutenant Freeman.

71st regiment. Capt. M'Leod, Lieutenant Wilson.

Graff's grenadiers. Lieutenant Frietson, Lieutenant Oethans.

H. CLINTON.

*Admiralty-Office, June 15, 1780.*

His Majesty's ship the *Perseus*, commanded by the Hon. Keith Elphinstone, arrived late last night at Spithead, from Charles-Town, in South-Carolina, from whence she sailed the 17th of last month, having on board Sir Andrew Hammond, who came to this office this forenoon, with a letter from Vice-admiral Arbuthnot, to Mr. Stevens, of which the following is a copy :

*Ruebuck, off Charles-Town, May 14, 1780.*

SIR,

I have the satisfaction to acquaint you, for the information of my Lords Commissioners of the Admiralty, that

Charles-Town

Charles-town, with all its dependencies, the shipping in the harbour, and the army under General Lincoln, has surrendered to his Majesty's arms.

My last letters, by a Dutch ship bound to Amsterdam, which sailed the 16th of February, will have informed you of my departure from New-York, and my arrival off Savannah, with a squadron of his Majesty's ships, escorting a considerable body of troops under the command of Sir Henry Clinton.

Most of the missing ships having arrived, no time was lost in prosecuting the intended expedition. I shifted my flag from the Europe to this ship; and the transports having repaired their damages sustained on the passage, I proceeded with the fleet, on the 10th of February, to North Edisto, the place of debarkation previously agreed upon. Our passage thither was favourable and speedy; and although it required time to have the bar explored, and the channel marked, the transports all entered the harbour the next day; and the army took possession of John's Island, without opposition.

The General having made a requisition for heavy cannon, and a detachment of seamen from the fleet, the latter were put under the command of Captain Elphinstone and Colonel Evans, and the guns forwarded to the army as soon as they could be collected from the line of battle ships, which the bad weather had forced from their anchors.

Preparations were next made for passing the squadron over Charles-town bar, where the high water spring tides there, is only nineteen feet water. The guns, provision and water were taken out of the Renown, Roebuck, and Romulus, to lighten them; and we lay in that situation on the open coast in the winter season of the year, exposed to the insults of the enemy for sixteen days, before an

opportunity offered of going into the harbour, which was effected without any accident, on the 20th of March; notwithstanding the enemy's galleys continually attempted to prevent our boats from sounding the channel.

I enclose a list of the rebel naval force, which, at this time, made an appearance of disputing the passage up the river, at the narrow pass, between Sullivan's island and the middle ground, having moored their ships and galleys in a position to make a raking fire as we approached Fort Moultrie; but on the squadron arriving near the bar, and anchoring on the inside, they abandoned that idea, retired to the town, and changed their plan of defence. The *Bricole*, *Notre Dame*, *Queen of France*, *Trite*, and General *Moultrie* frigates, with several merchant ships, fitted with chevaux de frise on their decks, were sunk in the channel between the town and Shute's Folly; a boom was extended across, composed of cables, chains, and spars, secured by the ship's masts, and defended from the town by strong batteries of pimento logs, in which were mounted upwards of forty pieces of heavy cannon.

Every thing being in readiness for crossing the army over the Ashley river, the boats of the fleet, with the flat boats, under the command of Capt. Elphinstone and Capt. Evans of the *Raisonné*, the whole army, with the artillery and stores necessary for the siege, were landed under cover of the galleys, on the town side, with astonishing expedition.

As soon as the army began to erect their batteries against the town; I took the first favourable opportunity to pass Sullivan's Island, upon which there is a strong fort and batteries, the chief defence of the harbour; accordingly I weighed at one o'clock on the 9th ult. with the *Roebuck*, *Richmond*, *Romulus*, *Blonde*, *Virginia*, *Raleigh*, and *Sandwich* armed

the ship, the *Renown* bringing up the rear; and, passing through a severe fire, anchored in about two hours, under James Island, with the loss of twenty-seven seamen killed and wounded. The *Richmond's* fore-top-mast was shot away, and the ships in general sustained damage in their masts and rigging; however, not materially in their hulls: but the *Acetus* transport, having on board a few naval stores, grounded within gun-shot of Sullivan's Island, and received so much damage, that she was obliged to be abandoned and burnt.

Having stationed ships and armed vessels off the different inlets, upon the coast, and the town being now nearly invested, attempts were made to pass a naval force into Cooper river, by Hog's Island, (the main channel being rendered impracticable) and small vessels to carry heavy guns were fitted for that service: but on being found the enemy had also sunk vessels in that channel, and its entrance was defended by the works on Sullivan's Island and Mount Pleasant, it was resolved to dispose of the latter, by the seamen of the fleet; and, in the mean time, to arm the small vessels that had been taken by Lord Cornwallis in the Wandoo river.

For this purpose a brigade of five hundred seamen and marines was formed from the squadron, and under the command of the Captains Hudson, Orde, and Gambier, landed at day-break, on the 29th, at Mount Pleasant; where, receiving information that the rebels were abandoning their redoubt at Lempries Point, (an advantageous post on Cooper River) they marched with a view of cutting off their rear, but, on a near approach, found the garrison had escaped in vessels to Charles-town; but their sudden appearance prevented the rebels from carrying off their cannon and stores,

or from destroying their works. About the same time, a Major, a Captain, and some other commissioned and non-commissioned officers, with eighty privates, were made prisoners by the guard-boats of the fleet, in retiring to the town.

Captain Hudson being relieved in his post by Colonel Ferguson, returned to the fort at Mount Pleasant, which, being in the neighbourhood of Fort Sullivan, brought us in deserters daily, from whom I learnt very favourable accounts of its garrison; I therefore formed a plan to attack it, which should not interfere with the important operations the army were carrying on, and which now became every day more and more critical.

The attention of the rebels, I found, had been chiefly directed to the south and east sides of the fort, which were most open to attack; but the west face and north-west bastion, I discovered, had been neglected, I therefore determined to attempt to carry the fort by storm, under cover of the fire from the ships of the squadron. The Captains Hudson and Gambier, and Captain Knowles, agents for transports, with two hundred seamen and marines, embarked in the boats of the squadron, in the night of the 4th instant, and passing by the fort unobserved, landed before day-light, and took possession of a redoubt on the east end of the island; whilst other boats were preparing to carry over the same number of seamen and marines from Mount Pleasant, under the command of Captain Orde. On the whole being ready, and the ships only waiting for the tide, to begin the attack, the fort was summoned by Captain Hudson, when, after a little consideration, the garrison surrendered themselves prisoners of war. A copy of the capitulation\*, and the return of prisoners and stores, accompany this letter.

The

\* Omitted to be sent.



The reduction of the city followed four days after; for the preparations to storm it in every part being in great forwardness, and the ships ready to move to the assault, the town was summoned on the 9th, by his Excellency Sir Henry Clinton, to surrender; terms were in consequence proposed, and the inclosed capitulation signed by the General and myself, the 10th instant.

I have commissioned the rebel and French frigates, in the King's service, and have given the command of them to officers of long service, and acknowledged merit.

The conduct of Sir Andrew Hammond, of the Roebuck, who bears this dispatch to you, deserves particular mention; whether in the great line of service, or in the detail of duty, he has been ever ready, forward, and animated. The Captains Hudson, Orde, Gambier, Elphinstone, and Evans, have distinguished themselves particularly on shore; and the officers and seamen who have served with them on this occasion, have observed the most perfect discipline.

Our whole loss in the ships and galleys, and the batteries on shore, is twenty-three seamen killed, and twenty-eight wounded; among the latter is Lieutenant Bowers of the Europe; but in fair way of recovery.

The fleet has endeavoured most heartily and effectually to co-operate with the army in every possible instance; and the most perfect harmony has subsisted between us.

I just add, that rebel privateering has recently received a severe check; the Iris and Galatea having lately, in the space of ten days, taken nine privateers, (two of which were ships of twenty guns, and none less than sixteen) and eight hundred seamen.

I have the honour to be,

SIR,

Your most obedient servant,

M. ARBUTHNOT.

*A List of Rebel Ships of War taken or destroyed in the harbour of Charlestown*

The Bricole, pierced for 60, mounting 44 guns, twenty-four and eighteen pounders, sunk, her Captain, officers, and company prisoners.—The Truite, 26 twelve pounders, sunk, her Captain, &c. prisoners.—Queen of France, 28 nine pounders, sunk, ditto.—General Moultrie, 20 six pounders, sunk, ditto.—Notre Dame (brig) 16 ditto, sunk, ditto.—Providence, 32 guns, eighteen and twelve pounders, taken, Captain, officers, and company prisoners.—Boston, of the same force, taken, ditto.—Ranger, 20 six pounders, taken, ditto.

*French Ships.*

L'Avanture; 26 nine and six pounders, commanded by the Sieur de Brulot, Lieutenant de Vaisseau, taken, ditto.—Polacre, 16 six pounders, taken.—Some empty brigs lying at the wharfs, with other small vessels, were also taken, with four armed galleys.

M. ARBUTHNOT.

Fort Moultrie, on Sullivan's Island, May 7, 1710.

*A return of the garrison of Fort Moultrie, made prisoners of war by a brigade of seamen and marines, commanded by Captains HUDSON, GAMBIER, and KNOWLES, of the royal navy.*

*Continental commissioned officers.*—Lieutenant-colonel, 1; captains, 3; lieutenants, 4; non-commissioned and privates, 110.

*Militia.*—Captains, 2; lieutenants, 7; non-commissioned and privates, 91.

(Signed) CHAS. HUDSON.

*A return of ordnance and other stores taken on Fort Moultrie, on Sullivan's Island, by the naval brigades, May the 7th, 1780,*

*Iron Ordnance.*

Twenty four pounders 9, eighteen pounders 7, twelve pounders 10, 1115

nine pounders 8, six pounders 2, four pounders 4, mortar of ten inches 1. Total of iron ordnance 41.

*Round shot.*

Twenty-four pounders 539, eighteen pounders 613, twelve pounders 690, nine pounders 1334, six pounders 264, four pounders 369. Total of round shot 3809.

*Bar shot.*

Twenty-four pounders 50, eighteen pounders 47, twelve pounders 42, nine pounders 9. Total of bar shot 148.

*Grape shot.*

Twenty-four pounders 82, eighteen pounders 50, twelve pounders 42, nine pounders 50. Total of grape shot 224.

*Cannister shot.*

Twelve pounders 13, nine pounders 56, six pounders 30, four pounders 34. Total of cannister shot 133.

Ten-inch shells 120. Six-inch shells 32. Lint stocks 54. Barrels of powder 46. Worms, ladles, and sponges 193. Lanthorns 10. Hand-spikes 256. Flannel cartridges, for field pieces, 98. Musquet cartridges 6932. Beds spare 35. Coins spare 39. Stand of arms 520. Cartridges filled 2706. Blank cartridges 1994. Port fires 250. Spare fuses 300. Hand granadoes 120. Bits and prickers 80. Reams of paper 2. Tubes spare 100. Spare gun carriages 9. Barrels of turpentine 40. 3 waggons. 1 sling cart for great guns. 1 gin. 1 ditto fall and slings. 1 water engine. 3 coils of rope, (four inches.)

(Signed) CHA. HUDSON.

A Copy. M. ARBUTHNOT.

*Supplement to the LONDON GAZETTE  
EXTRAORDINARY.*

*Copy of the summons sent to Major-general LINCOLN, the 10th of April, 1780.*

*Camp before Charles-Town, April 10, 1780.*

Sir Henry Clinton, K. B. Gene-

ral and Commander in Chief of his Majesty's forces in the colonies lying on the Atlantic, from Nova Scotia, &c. &c. and Vice-Admiral Arbuthnot, Command in Chief of his Majesty's ships, &c. in North America, &c. &c. regretting the effusion of blood, and the distresses which must now commence, deem it consonant to humanity to warn the town and garrison of Charles-Town of the havoc and desolation with which they are threatened from the formidable force surrounding them by land and sea. An alternative is offered at this hour to the inhabitants of saving their lives and property (contained in the town) or of abiding by the fatal consequences of a cannonade and storm.

Should the place in a fallacious security, or its Commander in a wanton indifference to the fate of its inhabitants, delay the surrender, or should public stores or shipping be destroyed, the resentment of an exasperated soldiery may intervene; but the same mild and compassionate offer can never be renewed.

The respective Commanders, who hereby summon the town, do not apprehend so rash a part as further resistance will be taken; but rather that the gates will be opened, and themselves received with a degree of confidence which will forebode further reconciliation.

(Signed) H. CLINTON.

M. ARBUTHNOT.

*Copy of a letter from Major-general LINCOLN to General Sir HENRY CLINTON and Vice-Admiral ARBUTHNOT, dated Charles-Town, April 10, 1780.*

GENTLEMEN,

I have received your summons of this date. Sixty days have passed since it has been known that your intentions against this town were hostile, in which time has been afforded to abandon it; but duty and inclination

nation point to the propriety of supporting it to the last extremity.

I have the honour to be, &c.

(Signed) B. LINCOLN.

Commanding in the South department.

*Copy of a letter from Sir HENRY CLINTON to Major-general LINCOLN, dated camp before Charles-town, May 8, 1780.*

SIR,

Circumstanced as I now am, with respect to the place invested, humanity only can induce me to lay within your reach the terms I had determined should not again be proffered.

The fall of Fort Sullivan, the destruction on the 6th instant of what remained of your cavalry, the critical period to which our approaches against the town have brought us, mark this as the term of your hopes of succour, (could you ever have framed any) and as an hour beyond which resistance is temerity.

By this last summons, therefore, I throw to your charge whatever vindictive severity exasperated soldiers may inflict on the unhappy people whom you devote, by persevering in a fruitless defence.

I shall expect your answer until eight o'clock, when hostilities will commence again, unless the town be surrendered.

I have the honour to be, &c.

(Signed) H. CLINTON.

In consequence of this letter, articles of capitulation were proposed by Major-general Lincoln, and answered by their Excellencies General Sir Henry Clinton, Knight of the Bath, and Vice-Admiral Arbuthnot; which answers being deemed by Mr. Lincoln to be inadmissible, he proposed that other articles, which he then sent, might be acceded to. Those articles were rejected by Sir Henry Clinton and Vice-Admiral Arbuthnot; and on the 11th of May Major-general Lincoln wrote the following letter:

VOL. X.

*Copy of a letter from Major-general LINCOLN to General Sir HENRY CLINTON, dated Charles-town, May 11, 1780.*

SIR,

The same motives of humanity which inclined you to propose articles of capitulation to this garrison induced me to offer those I had the honour of sending you on the 8th instant.—They then appeared to me such as I might proffer and you receive with honour to both parties. Your exceptions to them, as they principally concerned the militia and citizens, I then conceived were such as could not be concurred with; but a recent application from those people, wherein they express a willingness to comply with them, and a wish on my part to lessen as much as may be the distresses of war to individuals, lead me now to offer you my acceptance of them.

I have the honour to be, &c.

(Signed) B. LINCOLN.

*His Excellency Sir Henry Clinton.*

*Copy of a letter from Sir HENRY CLINTON to Major-general LINCOLN, dated camp before Charles-town, May 11, 1780.*

SIR,

When you rejected the favourable terms which were dictated by an earnest desire to prevent the effusion of blood, and interposed articles that were wholly inadmissible, both the Admiral and myself were of opinion that the surrender of the town at discretion was the only condition that should afterwards be attended to; but as the motives which then induced them are still prevalent, I now inform you that the terms then offered will still be granted.

A copy of the articles shall be sent for your ratification as soon as they can be prepared; and immediately after they are exchanged, a detachment of grenadiers will be sent to take possession of the horn work opposite

H

posite your main gate. Every arrangement which may conduce to good order in occupying the town, shall be settled before noon to-morrow, and at that time your garrison will march out.

I have the honour to be, &c.

(Signed) H. CLINTON.

*Major-general Lincoln.*

#### SOUTH CAROLINA.

Articles of capitulation between their Excellencies Sir Henry Clinton, Knight of the Bath, General and Commander in Chief of his Majesty's forces in the several provinces and colonies on the Atlantic, from Nova Scotia to West Florida inclusive, Mariot Arbuthnot, Esq. Vice-Admiral of the Blue, and Commander in Chief of all his Majesty's ships and vessels in North America, and Major-general Benjamin Lincoln, commanding in Chief in the town and harbour of Charleston.

Article I. That all acts of hostility and work shall cease between the besiegers and the besieged, until the articles of capitulation shall be agreed on, signed, and executed, or collectively rejected.

*Answer.* All acts of hostility and work shall cease, until the articles of capitulation are finally agreed to or rejected.

Art. II. The town and fortifications shall be surrendered to the Commander in Chief of the British forces, such as they now stand.

*Answer.* The town and fortifications, with the shipping at the wharfs, artillery, and all other public stores whatsoever, shall be surrendered in their present state, to the Commanders of the investing forces; proper officers shall attend from the respective departments to receive them.

Art. III. The Continental troops and sailors, with their baggage, shall be conducted to a place to be agreed

on, where they will remain prisoners of war until exchanged. While prisoners they shall be supplied with good and wholesome provisions in such quantity as is served out to the troops of his Britannick Majesty.

*Answer.* Granted.

Art. IV. The militia now in garrison shall be permitted to return to their respective homes, and be secured in their persons and property.

*Answer.* The militia now in garrison shall be permitted to return to their respective homes as prisoners on parole; which parole, as long as they observe, shall secure them from being molested in their property by the British troops.

Art. V. The sick and wounded shall be continued under the care of their own Surgeons, and be supplied with medicines, and such necessaries as are allowed to the British hospitals.

*Answer.* Granted.

Art. VI. The officers of the army and navy shall keep their horses, swords, pistols, and baggage, which shall not be searched, and retain their servants.

*Answer.* Granted, except with respect to the horses, which will not be allowed to go out of town, but may be disposed of by a person left from each corps for that purpose.

Art. VII. The garrison shall, at an hour appointed, march out with shouldered arms, drums beating, and colours flying, to a place to be agreed on, where they will pile their arms.

*Answer.* The whole garrison shall, at an hour to be appointed, march out of the town to the ground between the works of the place and the canal, where they will deposit their arms. The drums are not to beat a British march, or colours to be uncased.

Art. VIII. That the French Consul, his house, papers, and other moveable

moveable property, shall be protected and untouched, and a proper time granted to him for retiring to any place that may afterwards be agreed upon between him and the Commander in Chief of the British forces.

*Answer.* Agreed, with this restriction, that he is to consider himself as a prisoner on parole.

Art. IX. That the citizens shall be protected in their persons and properties.

*Answer.* All civil officers, and the citizens who have borne arms during the siege, must be prisoners on parole; and, with respect to their property in the city, shall have the same terms as are granted to the militia; and all other persons now in the town, not described in this or other article, are notwithstanding understood to be prisoners on parole.

Art. X. That a twelvemonth's time be allowed all such as do not chuse to continue under the British government to dispose of their effects, real and personal, in the State, without any molestation whatever, or to remove such part thereof as they chuse, as well as themselves and families; and that, during that time, they or any of them may have it at their option to reside occasionally in town or country.

*Answer.* The discussion of this article of course cannot possibly be entered into at present.

Art. XI. That the same protection to their persons and properties, and the same time for the removal of their effects, be given to the subjects of France and Spain, as are required for the citizens in the preceding article.

*Answer.* The subjects of France and Spain shall have the same terms as are granted to the French Consul.

Art. XII. That a vessel be permitted to go to Philadelphia with

the General's dispatches, which are not to be opened.

*Answer.* Granted; and a proper vessel with a flag will be provided for that purpose.

All public papers and records must be carefully preserved, and faithfully delivered to such persons as shall be appointed to receive them.

Done in Charles-town,

May 12, 1780. B. LINCOLN.  
Done in camp before Charles-town, May 12, 1780.

(Signed) H. CLINTON.

M. ARBUTHNOT.

*Return of ordnance, arms and ammunition in Charles-town, when surrendered to his Excellency Sir HENRY CLINTON, Knight of the Bath, Commander in Chief of his Majesty's forces, &c. &c. May 14, 1780.*  
Ordnance mounted on carriages and beds with side arms, &c.

*Brass Guns.*

One six pounder—17 four ditto—3 three ditto.

*Brass Mortars*

One ten inch—1 nine inch three quarters—1 seven inch one quarter; 3 five inch and half—3 four inch and half—1 eight inch brass howitzer.

*Iron Guns.*

Twelve twenty-six pounders—12 twenty-four ditto—29 eighteen ditto—79 twelve ditto—70 nine ditto—27 six ditto—44 four ditto—6 three 3 half pound swivels—2 carronades, four pounders.

*Shot, round loose.*

Forty twenty-six pounders—626 twenty-four ditto—1249 eighteen ditto—3120 twelve ditto—2089 nine ditto—500 six ditto—700 four ditto—100 three ditto.

*Case fixed with powder.*

Three thousand two hundred and thirty-six four pounders—108 three ditto—420 two ditto.

*Shells, empty.*

Ninety ten inch—96 nine ditto,  
H 2

three

three quarters—150 eight ditto—30 seven ditto, three quarters—49 six ditto, three quarters—26 five ditto and half—100 four ditto and half—212 hand granadoes, fixed.

*Shot, grape and case, unfixed.*

Fifteen twenty-four pounders—96 eighteen ditto—256 twelve ditto—897 nine ditto—214 four ditto—musket shot 2 cwt.

*Double beaded.*

Eighty-six eighteen pounders—209 twelve ditto—40 four ditto—55 sponges, with staves and rammer heads, of sorts—209 ladles with staves, &c. of sorts—21 wadhooks with staves, &c.

*Handspikes.*

One hundred and twenty-nine common—41 iron crow-leavers—80 spikes with staves.

*Cartridges, flannel filled.*

Two hundred and twenty, nine pounds—8 four pounds.

*Ditto, paper filled.*

One hundred and sixty-three twenty-four pounders—422 eighteen ditto—455 twelve ditto—671 nine ditto—20 four ditto—100 three ditto—25,550 musquet cartridges filled with ball—7796 carabine ditto—2 carriages—spare four pounders—71 cutlasses—3 gun triangle, with block complete—14 lanterns, common; match-flow, 2 cwt—376 barrels of powder corned—37 powder-horns.

*Paper Cartridges, empty.*

Two hundred and twenty twenty-four pounders—941 eighteen ditto—800 twelve ditto—990 nine ditto—400 six ditto—1000 four ditto—330 three ditto—six dozen port fires—270 tin tubes filled—6000 ditto empty.

*French Muskets.*

Eight hundred and forty-seven in store—4569 delivered at the abbatis—15 stands of regimental colours.

Large quantities of musquet cartridges, arms, and other small articles, not included in the above return; the scattered situation of the

different stores not admitting of collecting them in so short a time. A more exact account will be given as soon as possible.

*Abstract of Ordnance.*

|            |   |   |     |
|------------|---|---|-----|
| Brass guns | - | - | 21  |
| Mortars    | - | - | 9   |
| Howitzers  | - | - | 1   |
| Iron guns  | - | - | 280 |

Total 311

Besides the ordnance taken in Fort Moultrie, Lampries, Mount Pleasant, and on board the vessels, amounting in the whole to eighty or ninety pieces; and one ten inch mortar.

(Signed) PETER TRAILLE,  
Major, commanding the  
Royal Artillery.

*The following is a sketch of the situation of affairs in South Carolina, as communicated by Colonel John Lawrence.*

“The British army, said to be under the command of Sir Henry Clinton, are distributed on Port Royal-island, John’s-island, Stono-ferry, and a detachment, last night, upon James-island. Head quarters are at Fenwick’s house, on John’s island. Four of their galleys have been seen between John and James-islands; the number of troops not known, supposed to be much diminished since the embarkation at New-York. About twelve deserters from the fleet and army have come to Charles-town, and as many prisoners taken by our light horse; different deserters from fleet and army agree, in reporting very heavy losses at sea. Three ships plundered, many dismasted, one brig, two ships, taken and brought into Charles-town, a brig carried into North Carolina. One of the deserters informs, that thirteen sail were lost on the rocks of Bermuda. There is, undoubtedly, some grand impediment to the enemy’s progress.

All

All their horses perished at sea, and much of their furniture was captured. Three days ago passed by Charles-town bar, in a hard gale of wind, a sixty-four gun ship, a frigate, and some transports. These may be gone to New-York for further supplies; but all is conjecture. Near the bar of Charles-town daily appear a frigate and other ships of war, reconnoitering and blocking up the harbour of Charles-town. We have four Continental frigates, two French armed ships, two State armed ships, six other armed vessels, some of them carrying very heavy cannon. The enemy's delay has afforded an opportunity for strengthening the lines of Charles-town, which will be in pretty good order to-morrow. *The number of men within the lines uncertain, but by far too few for defending works of near three miles in circumference, especially considering many of them to be citizens and unaccustomed to the fatigues of a besieged garrison, and many of the Continental troops half naked.*—Reinforcements are expected—General Hagan is within a few miles—*The Virginia troops are somewhere!*—*Assistance from that sister state has been expected these eighteen months.*—General Moultrie is forming a camp at Bacon-bridge, where he has about five hundred horse, being horse of this State, Baylor's and Bland's, of Virginia. General Williamson is encamped at Augusta—a thousand men are expected from his brigade. General Richardson and Colonel Caphew, are raising the militia at and about Camden. At this moment our escape depends on further delay on the enemy's part. Two or three weeks more will make this garrison strong; the inhabitants, in general, are in good spirits. Competent judges say, that Sir Henry Clinton will then have cause to repent his enterprize. This affords encouragement, but events in war are uncertain, and if

we do not receive assistance, the next intelligence may be quite contrary. Hasten the Virginian troops, if you meet them.

Charles-town, Feb.

J. L."

25, 1780.

*Extract of a letter from Charles-town, March 13.*

"As to news, we can tell you little more than the public papers do. The English are still on John's and James's-islands, and the main, between Ashley-ferry and Wappoo-creek. Night before last, they raised a six gun battery on the right hand, at the mouth of the creek, at Mr. — Fenwick's store, opposite Cummins's-point; they had one thirty-two pounder, brass, mounted. By day-light, our two galleys and a brigantine went up to fire upon them; what damage they did we cannot tell; but the Notre Dame brigantine received a shot by her main chains, that beat in two of her knees, and they have all come down again. The night before two English galleys got over the bar, but were obliged to cut and run, leaving their two flags on the buoys of their anchors, one at each edge of the bar, for a direction to the others to come in by; they are lightening the Roebuck and another, seven sail in all; they fortify every place, and leave guards. My opinion is, that they mean to fortify Charles-town-neck about the Quarter-house. If they are permitted to do that, they will starve us out. We expect troops from Virginia and North Carolina." *Williamsburgh, in Virginia, April 8.*

On the 5th ult. was hanged at Charles-town, South Carolina, Col. Hamilton Ballendine, for drawing draughts of the town and fortifications. He was taken by a piquet-guard, which General Lincoln had sent out that night to Stono, as he was making his way to the enemy; and when he was hailed by the guard,

guard, his answer was, "Colonel Hamilton Ballendine." The guard told him that would not do, and carried him to the Commander of the piquet; upon which he pulled out of his pocket the draughts. The officer told him he was mistaken, and had him carried to General Lincoln, who ordered him for execution.

*New London, October 11.* It is said that a plan for the ensuing campaign formed by the British cabinet, has in some measure transpired. They are to establish strong garrisons in Quebec, Halifax, New York, and the places adjacent; to make the most vigorous effort to reduce South Carolina; to form a strong barrier in North Carolina, to prevent any measure of the Americans from the northward; to possess themselves of the establishment of the Spaniards at New Orleans and on the banks of the Mississippi; and having effected this, to bend their force against the French and Spanish West-India Islands. They mean to embody the loyal Americans, and leave part for the defence of these countries, and carry the rest against the common enemy. The force for these several operations will be completed by the first of June next, to thirty battalions of 750 men each. The guards and eight regiments of British will be left at New York.

*New York, April 19.* The following is published from good authority.—"Upon Saturday last, the 15th instant, a cavalry detachment of about 120 men, composed of the 17th dragoons, Queen's Ranger Hussars, Diemar's Hussars, and Lieut. Stuart's volunteers, drawn from Staten-island, with a body of 312 infantry, composed of 12 Yagers, 150 men of the regiment of Bose, 100 men of the regiment of Mirbach, and 50 men of the loyal American regiment, drawn from York-island; the whole under the

command of Major Du Buy of the regiment of Bose, were landed in the Jerseys, the cavalry near the extremity of Bergen Neck, the infantry near Fort Lee, forming a junction in the English neighbourhood, the whole detachment proceeded to the New Bridge upon Hackinsac, which they reached between two and three o'clock in the morning of the 16th, having fallen in with a rebel patrolle at that place, under the command of an officer who was taken prisoner with three of his men, the others making their escape; continuing their march to Paramus, Major Du Buy came in sight of the church a little after day-break, and finding the rebels had fallen back to Hoppers-town, he kept on his march 'till discovered by a picquet posted at the bridge upon Saddle-creek, who giving their fire, were instantly charged by the advanced guard of cavalry, and the greatest part of them either killed or taken prisoners.

"The cavalry were immediately directed to push forward to Hoppers, which they soon reached, and spiritedly attacking a superior body of infantry, in connected cantonments, carried several houses, before the infantry, who made every possible exertion, could reach the place of action, at which, however, they arrived in time to complete the object of the incursion.

"In retiring, small parties of militia, with a few of their troops, who had been upon other duties, kept hovering round the detachment in different directions, and although unable to make any impression, they incommoded the march of the troops, by a constant scattered fire from different quarters, but with little effect, although they continued their attempts to the place of embarkation, viz. Fort Lee, at which the infantry arrived between three and four o'clock in the afternoon, the cavalry taking



taking the same route by which they advanced ; eight deserters with their arms joined the detachment early in the morning.

“ Encomiums upon the behaviour of the troops are not necessary, although merited ; it is sufficient to observe, that the expedition was well conducted, and executed as may ever be expected from good troops, led by officers of knowledge and experience.

*“ Return of the killed, wounded, and missing of the troops at the affair at Hopper’s town, the 16th inst.*

“ 17th light dragoons, 1 horse killed, 3 rank and file wounded, 1 horse wounded.

“ Queen’s ranger hussars. 3 rank and file killed, 3 horses killed, 1 rank and file wounded, 2 horses wounded.

“ Diemar’s hussars. 2 rank and file wounded, 1 horse wounded.

“ Staten Island volunteers. 2 rank and file wounded.

“ Yagers. 1 wounded.—Mirbach. 1 killed, 11 rank and file wounded.—Bose. 2 killed, 1 serjeant, 5 rank and file wounded.

“ Loyal Americans. 1 killed, 5 wounded.

“ Total. 7 rank and file killed, 4 horses killed, two serjeants wounded, 29 rank and file wounded, 4 horses wounded.

“ Two wounded men left behind are included in the above return ; many of the wounded are doing their duty.

*“ Return of the killed, wounded, and prisoners of the rebel detachment at Hopper’s Town, upon the 16th instant.*

“ Killed 40 ; wounded, left behind, believed about 10. Taken prisoners, of whom many are wounded, 51 ; exclusive of the officers, of whom one was killed upon the spot ; the Major, who commanded, and another officer left badly wounded ; two Captains, two Lieutenants, and two Ensigns, taken prisoners.”

Yesterday arrived in our harbour the brigantine Macaroni, commanded by ——— Patterson, belonging to Mr. Blair M’Lanachan, of Philadelphia. She mounts 14 guns, is a perfect beauty, and was taken by his Majesty’s ship Delight, Captain Inglis. And

Last night arrived the sloop ——— of 14 guns, likewise from Philadelphia, another prize to the Delight. There were twenty-two privateers or letters of marque vessels at Philadelphia, the beginning of this month, the above are two of the number.

Last Saturday a brig privateer, of 8 guns, and 52 men, was driven on shore about half a mile from the light-house at Sandy Hook, by his Majesty’s ship Galatea, Captain Reed, the crew are prisoners, and the vessel will probably be saved. The same day was driven on shore, at Deal Beach, twelve miles off the Hook, another privateer brig, by his Majesty’s ship Vulture, Captain Sutherland ; the above are from Rhode Island, one called the Rattle-Snake, and the other the Black Snake, they sailed in company with two privateer sloops.

By the ship George, from Jamaica, we are informed, that a body of troops, with some ships of war, had sailed from there on another enterprise against the Spaniards, in which, it is said, they are to be joined by the Musquito Indians.

Yesterday arrived the schooner Lovely Bet, Capt. Charles M’Donald, in ten days from Bermuda, by whom we learn, that the Crown galley, from London for Georgia, a very valuable vessel, laden with stores, accoutrements for 300 cavalry, 50 pieces of cannon, &c. after having been taken by the Ranger privateer, of Baltimore, was happily retaken by Messrs. Goodrich and Sheddon’s brig the Hammond.

Captain Kidd has taken a fine brigantine laden with tobacco ;  
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the above are both carried into Bermuda.

Likewise a schooner laden with tobacco, from James-river, was sent into the same port by the Whalebone privateer.

The inhabitants on the Susquehanna have been lately much alarmed by a *spring visit* from the Indians, who have, on this side Wyoming, killed several persons, burned a number of houses, and carried off eight prisoners.

The privateer sloop Nichol, Capt. Nichol, arrived here last Wednesday; she left Savannah on the 30th of March. The following particulars were said to have been received at that place from Charlestown, dated the 26th ult. viz. Brigadier-general Patterson had joined the Commander in Chief, who had crossed Ashley-ferry; the Renown, Romulus, and Roebuck men of war, with a number of British frigates, had taken their stations within the bar. It was said, the rebels had sent a flag with overtures for a surrender of the city upon certain conditions; they were found inadmissible, and it was thought the town and its numerous garrison were perfectly invested by the royal army. His Majesty's ship Loyalist, with the Active and Jean merchantmen were safe arrived from this port, as were 39 sail of vessels from England, but lost from the West-Indies, under convoy of the Iris, Hydra, and Virginia men of war.

His Majesty's ship Europe, was in Beaufort-harbour, moored in perfect safety.

*New-York, April 26.* On the 28th of March last, General Prevost received intelligence that a body of Americans had crossed the Ogechee-river, within twenty miles of Savannah, and had plundered and burnt the buildings on the plantations of Sir James Wright and several others, and as the General knew the situ-

ation of the ground, he ordered sixty men from the first battalion of General de Lancey's, who marched immediately, under the command of Captain Conklin; crossed the Ogechee, and presently discovered the enemy, who no sooner saw his Majesty's troops advancing up the causeway, than they fastened a gate that was across it (a swamp being on the right and left) and fired through the bars on the advancing troops. Captain Conklin had but just time to order his men to charge upon the enemy, when he received their first fire, which brought him to the ground. Captain Conklin desired Lieutenant Rooney to take the command, who was likewise wounded at the enemy's second fire; the command then devolved to Ensign Supple, who bravely charged and routed the enemy. The enemy had six men killed, the rest mounted their horses (which were held by negroes while they engaged) and rode off. Ensign Supple hearing that there were three hundred of the enemy not far from him, very prudently recrossed the river, and arrived in town with his detachment, not having a man killed, and bringing in the wounded Capt. Conklin and Lieutenant Rooney; the former died the next evening, the latter's wound is very slight. One private was mortally wounded, and four others it is thought will recover.

On Monday morning arrived at Sandy Hook, a fleet of near fifty sail of vessels from Georgia, under convoy of his Majesty's ships Delaware and Iris, consisting of Cork victuallers, and the following ships from England (all by the way of the West-Indies) viz. the Trelawney, Moore; the Resolution, Welch; the Hope, Smith; the Peggy, Arnot; and the Smaragda, Byrne.

By letters, and other accounts from gentlemen arrived in this fleet, we have collected the following particulars:

ticulars: That a vessel with dispatches for the Commander in Chief, and letters from England dated as late as the 19th of January, had arrived at head quarters in seven weeks, but that the letters from New-York having been put on board the *Active*, Captain Quarrie (formerly the *Rose Bud*) she was, on her passage hither, attacked and taken by the Pickering privateers, of twenty-two six and nine pounders; Captain Quarrie took care to sink all the letters before the *Active* struck.

Letters had been received by Sir James Wright, from Gov. Tonnyn, with the following important information: That he had, by express from Gov. Chester, of Pensacola, intelligence that a fleet with three thousand Spanish troops, on their passage from Havannah to New Orleans, had met with a severe gale of wind, which occasioned many of their vessels to founder, and seven hundred Spanish soldiers were drowned; on the arrival of the armament, at New Orleans, a descent was made upon Mobile, where General John Campbell, commander of his Majesty's troops in West Florida, suddenly fell upon, and totally routed their whole army.

Two Spanish frigates and a number of transports were shipwrecked in the storm.

The fleet that arrived here yesterday left Charles-town bar on the 8th of this month, on which day Vice-Admiral Arbuthnot, in his Majesty's ship *Roebuck* of 44 guns, with the *Renown* of 50 guns, and the *Romulus* of 44 guns, and seven frigates, viz. *Le Blond*, 32 guns; *Richmond*, 32 guns; *Raleigh* 32 guns; *Virginia*, 32 guns, *Perseus*, 20 guns; *Camilla*, 20 guns; *Germaine*, 16 guns; and several gallies, with a top gallant breeze and a drizzling rain, without sustaining any material injury from their fire, passed all the batteries on Sullivan's-island. On

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the sixth, his Excellency General Sir Henry Clinton having, with scarcely the loss of a man, advanced the army within gun-shot of the enemy's abatis, the town was completely invested, and, as the firing which had been continued very briskly from the town entirely ceased about twelve o'clock, in the night of the 8th instant, it was presumed the place had then been surrendered to the Commander in Chief, as Mr. Lincoln had desired that the private property and the inhabitants might be shipped off for the West-Indies, on condition of his surrendering the town, and marching his garrison out with the honours of war; an overture that met with contempt. We have the mortification to find that the Earl of Caithness, as his Lordship was proceeding upon service over Ashley-river, was unfortunately shot through the body, by a skulking party of the enemy, but happily the gallant peer was left in a fair way of recovery. The British and Hessian troops were in high health, and so were the ships companies, enjoying every necessary and comfort of life.

His Majesty's ship *Rainbow*, with her convoy, consisting of the second embarkation of troops for South Carolina, was spoke with by the *Delaware* and *Iris*, on the 13th instant, in latitude 36, the wind continuing so favourable, as to afford a tolerable assurance of their arrival at Charles-town on the 16th instant.

Upon the night of the 21st inst. a detachment of provincial troops, under the command of Lieutenant-colonel Laurence, embarked at Sandy Hook, upon an expedition against an American post at Squan; after being detained a week at the Light-house by contrary winds, having a favourable passage, Colonel Laurence landed at midnight, and marched immediately for the cantonment of the enemy, which he soon reached, but was much mortified in finding the

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the post had been withdrawn the morning of the 20th, a Lieutenant, Serjeant, and four or five private men excepted, who were made prisoners; nothing further remaining to be done, the detachment re-embarked, and returned to Sandy-Hook the 22d instant.

On Sunday afternoon the 23d inst. a patrol of a Corporal and six men were taken prisoners by a detachment of the mounted West Chester refugees, near Williams's-bridge, upon the Bronx river.

*By his Excellency JAMES ROBERTSON, Esq. Captain-general and Governor in Chief, in and over the province of New-York, and the territories depending thereon in America, Chancellor and Vice-Admiral of the same, and Major-general of his Majesty's forces.*

#### A PROCLAMATION.

The King having been graciously pleased to honour me with the care of a province, where, in a long residence, I have contracted an esteem for some, and an affection for many of its inhabitants, I proceed with great pleasure to announce his benevolent intentions.

It is his Majesty's wish, by the revival of the civil authority, to prove to all the colonies and provinces, that it is not his design to govern America by military law, but that they are to enjoy all the benefits of a local legislation, and their former Constitution.

To this end I have brought out the Royal appointments for forming the Council, and supplying the places of Lieutenant-governor and Chief Justice. And, in concurrence with the Commander in Chief of the British forces, who is also his Majesty's Commissioner for restoring peace to the colonies, I shall, as speedily as the public exigencies will permit, give orders for opening the Courts of Judicature, and convening the Assembly; and in general pro-

ceed to the execution of the powers reposed in me for the free course and complete re-establishment, both of the legislative and executive authority.

I take great satisfaction in the anticipation of that happy day, when relations, friends, and fellow-citizens, having dismissed their gloomy apprehensions, shall re-embrace each other, and return to the offices, pleasures, and employments of peace. Your country, will then participate with your ancient privileges in an extensive commerce, and be exempted from all taxations not imposed by yourselves.

Until I meet you regularly in General Assembly, for the restoring of mutual confidence, and the remedying of private as well as public evils, I pledge myself to men of all classes, in every part of the province, that it is the compassionate desire of your Sovereign, and of the parent country, to unite in affection as in interest, with the colonies planted by her hand, and which have long flourished under her care,—that the suggestions of her intention to impair their rights and privileges, are the arts of malice and faction,—and that every insinuation made by the domestic enemies of Great Britain, of her being disposed to abandon the provinces to internal anarchy, and the mischiefs of their jarring interests and claims, or to the fraudulent and ambitious views of foreign, Popish, and arbitrary powers, (of whom your fathers had a wise and virtuous jealousy) is equally false and malicious.

Happy herself, under a Constitution which is the envy and admiration of surrounding nations, she wishes to include, in one comprehensive system of felicity, all the branches of a stock intimately connected by the ties of language, manners, laws, customs, habits, interests, religion, and blood.

I lament, with the ingenuous thousands

thousands of America, who are irreconcilable to the unnatural separation, so inauspicious to yourselves as well as all the rest of your fellow-subjects in the other quarters of the world, that the few who have found means to acquire a sway in the management of your affairs, have been averse to every uniting system of policy, and studiously shunned the paths to harmony and peace.

But it is not my aim to call them to a hopeless and mortifying review of their conduct. Can they want evidence at this day, of the detestation of their measures, by an encroaching majority of their own countrymen? And having every thing to fear from their exhausted patience, I warn them to desist from any future attempts to restrain and seduce the loyalty of others, and wisely to provide against their resentment, by signalizing themselves, as heretofore in exciting, so now in closing the scene of their intolerable calamities. And I hereby give the strongest assurances of effectual countenance, protection, and support, of all persons who avail themselves of the Proclamation issued by his Excellency Sir Henry Clinton, dated at James-island, the third day of March.

Less inclined to reproach than to conciliate, to aggravate than to forget, even the guilt of those, who, privy to the repeated calls of Great Britain to friendship, upon terms adequate to the desire and expectation of their constituents, yet nevertheless forbore to reveal them, that they might, with the greater ease, press the ancient enmity of foreign foes, to the aid of their own ambition and avarice, I exhort them to seek an early refuge in the abundant clemency of the Crown, from the perils to which they have exposed themselves, by measures fraudulently concerted and tyrannically enforced, and affording, by the complicated miseries they have brought upon their country, and the mighty

ruin still impending, irresistible evidence of the folly and malignancy of the councils, by which its affairs have been conducted.

Towards the redressing the disorders arising from the loss or want of Charters, I recommend it to all concerned, to apply, without delay, in the ordinary course, for Charters, which shall be granted as soon as civil authority takes place.

As to the public books of records, so important to your titles and estates in all parts of the colony, and formerly lodged in the Secretary's office, I understand that they were separated from the rest, by the provident circumspection of my predecessor, whose merits are above my applause, and have often had yours; and having been afterwards sent home for safe custody, you may rely upon their being carefully preserved, and duly returned as soon as the public tranquillity is restored.

*From the Pennsylvania Packet,  
April 6.*

“ The General and field officers, Captains and subalterns of the American army, now in Philadelphia, assembled at the New Tavern, by previous notification, given on the 5th of April, 1780, being deeply impressed with the importance of the present moment, anxious to give energy, so far as our consequence may have force, to the future operations of Government, do declare to the world, the feelings, wishes, and determination, of the military, in resolving,

“ That as it is their duty, so it is their fixed and unalterable resolution, to curb the spirit of insolence and audacity, manifested by the deluded and disaffected; a spirit of resistance which we cannot but apprehend receives encouragement from the lenity of Government, founded on principles of universal liberty and benevolence.

“ To effect this salutary purpose,  
1 2 we

we do declare to our country, that we will not associate, or hold communication with any person or persons who have exhibited by their conduct an inimical disposition, or even lukewarmness, to the independence of America; nor with any person who may give countenance or encouragement to them, however reputable his character, or dignified his office.

"We do also declare, that we will hold any gentleman, bearing a military commission, who may attempt to contravene the object of this declaration in the smallest degree, as a proper object of contempt, and that we will, with alacrity, seize every opportunity of evidencing to the world our abhorrence of a conduct so derogatory to the dignity of the army.

Signed by order,

ANTHONY WAYNE, B. G.

WALTER STEWART, Col.

JOHN STEWART, Lt. Col.

HENRY LEE, Major.

*Philadelphia, 6th April, 1780.*

*Bermuda, March 25.* This day Captain Kelley's company of grenadiers, consisting of 110 officers and men of the Royal garrison battalion, marched into and took possession of the new wooden barracks in Fort Clinton, on Globe-hill, which effectually covers St. George's, the seat of Government: and when these dispatches came away, Lieutenant-colonel Commandant Donkin was actually encamping with the remainder of his regiment (for want of proper quarters) under the cannon of that important fortress.

*New-York, May 22.* The privateer ship Sir George Collier, Capt. M'Pherson, arrived here from a cruise last Tuesday, and brought in with him the sloop Sally, Bowling Pool, Master; and schooner Swallow, Bosman, Master, from Virginia, for France, &c. &c. They were

taken the 11th instant, off the Capes of Virginia, and were part of a fleet of nine sail under convoy of a ship of 20 guns, a brig of 16, and one of 12 guns. Captain M'Pherson took a third prize out of the fleet, but she was retaken.

The Trumbull frigate, Captain Nicholson, of 32 guns, 24 of which are 12 pounders, and the Mifflin privateer, of 20 guns, sailed from New-London last Friday week, in order to cruise off Sandy-Hook, in hopes of falling in with his Majesty's ships the *Galatea* and *Delight*.

The sloop Retaliation, of 12 guns; sloop Congress, of 12 guns; and sloop Hancock, of 14 guns, sailed from New London three days before the Trumbull and Mifflin, in order to cruise off Sandy Hook also.

The following privateers were fitting out at New-London, viz. a French ship to carry 36 guns; Le Despenfer, of 16; sloop Sally, 14; Young Cromwell, of 12; the Hawke, of 12, and two more sloops.

*New-York, May 17.* Last Friday night a party from King's-bridge, under the command of Col. Howard of the guards, went out in order to surprise a body of the rebels that were posted near Tarry-town, under the command of Col. Millan; but before our troops reached the rebel quarters, they decamped; and on Colonel Howard's entering the house of a certain Colonel Hammond, he enquired whether Millan had any notice of their approach, Hammond answered "No, for if they had any notice of his coming, they should not find him at home." The Colonel with eight or ten more were brought off prisoners.

On the 5th instant, a party of Lieutenant-colonel de Lancey's refugees, made an excursion to Horse-neck, where they took a Captain and five privatees; and on Wednesday the 10th, near Byron river, they took nine privatees.

By

By JAMES PATTISON, Esq. Major-general of his Majesty's forces, Commandant of New-York, &c. &c. &c.

PROCLAMATION.

Whereas in consequence of informations I have received, that discoveries have been made that various goods and merchandize, to a considerable amount, have, of late, in violation of the established regulations, been conveyed from this city in a clandestine manner: I have, therefore, thought fit to issue this PROCLAMATION, hereby warning all persons whatever against putting on board any ship, vessel, pilot-boat, or other small craft, goods or merchandize of any sort; also all masters or persons having charge of ships, vessels, pilot-boats, or other small crafts, against receiving on board any goods or merchandize, without permission from the offices appointed by Sir William Howe's Proclamation of the 17th July, 1777, and agreeable to the powers and regulations therein contained.

And I do now hereby strictly forbid all persons from shipping, or being concerned in shipping, or receiving on board any vessels, any goods or merchandize which are to be conveyed to *places* not comprehended in the powers vested in the above-mentioned offices, until permission is first obtained from the office of police, or a special licence granted for the same by the Commandant.

Any person or persons, who shall be convicted before a court-martial, of having acted contrary to the true intent and meaning of this Proclamation, shall be liable to such fines and penalties as the Court may adjudge, according to the nature of the offence, besides the forfeiture of the goods; of which one half of the net proceeds will be applied to the city funds, and the other half given as a just reward to the person or persons who shall, by giving the proper infor-

mation; bring to light such unwarrantable practices.

Given under my hand, in the city of New-York, the sixteenth day of May, in the year of our Lord, one thousand seven hundred and eighty, and in the twentieth year of his Majesty's reign.

JAMES PATTISON.

By command of the General,

JOHN L. C. ROOME, Sec.

*New-York, May 13.*

*From the Chamber of Commerce.*

To his Excellency JAMES ROBERTSON, Esq. Captain-general and Governor in Chief of the Province of New-York, and territories thereon depending in America, Vice-admiral of the same, and Major-general of his Majesty's forces.

*New-York, 2d May, 1780.*

SIR,

It is with great pleasure we avail ourselves of this first general meeting of the Chamber of Commerce, since your Excellency's arrival, to congratulate you on that event, and with unfeigned sincerity to assure you, that it gives us the highest satisfaction to find our gracious Sovereign has been pleased to intrust the re-establishing and securing the happiness of this province to your Excellency, who, we know to be not only perfectly well acquainted with its real interests, but capable and desirous of promoting them.

The recent instance your Excellency has given of your attention to our mercantile interest, not only calls for our immediate acknowledgments, but convinces us how firmly we may rely on your support.

Both duty and inclination will therefore strongly excite our endeavours to promote your Excellency's happiness; nor shall we esteem any means so effectual as by cheerfully contributing our assistance to every measure that may be adopted for the public good.

We

We have the honour to be your Excellency's most obedient humble servants,

By order of the Chamber of Commerce,

ISAAC LOW, President.

*His Excellency's Answer.*

GENTLEMEN,

I am much obliged by a mark of esteem from the Chamber of Commerce, whose opinions have ever been received with respect, and followed with advantage;—duty and inclination make me wish trade to flourish, a return of this will bring with it a return of happiness to the Province. Commerce, which enlarges the mind, and destroys prejudices, is ever favourable to freedom, and will not only shew, but make the people feel, the blessings of his Majesty's government, so that a truth well known in Britain will be acknowledged all over America, that the importance and prosperity of both countries depends upon their union.

Respect for the body of merchants will not only make me attentive to their advice, but receive it with gratitude, as their lights will prevent me from mistaking the true interests of trade.

To his Excellency JAMES ROBERTSON, Esq. Captain-general and Governor in Chief of the Province of New-York, and territories thereon depending in America, Vice-admiral of the same, and Major-general of his Majesty's forces.

THE ADDRESS

Of sundry gentlemen appointed by the Royal Instructions, to form the Council for the Province of New-York.

Deeply impressed by sentiments of loyalty and gratitude to our most gracious Sovereign, for his paternal affection and attention to the happiness and interests of his subjects in America, announced to us by your Excellency's Proclamation, it is with the highest satisfaction we congratulate

your Excellency to your appointment, to the care of a province, of which your long residence has given you so competent a knowledge, and where, the inhabitants are from experience, so sensible of the confidence they may repose in your abilities, inclination, and exertions to promote their happiness.

The ambitious and self-interested promoters of rebellion, to support their unauthorized and perilous combinations, with designing, popish, and arbitrary powers, have, by concealing and misrepresenting the many generous and humane offers made by Great Britain, for restoring public tranquility, brought on the inhabitants of this once happy country, every evil they at first taught them to dread.

Their personal estates are now wrested from them by taxation, their real ones sunk to the par of their paper dollars, their commerce annihilated, their civil rights and privileges trampled upon by Congress and Committee men, and their persons liable to be dragged into the field at all seasons to perform the duties of a soldier.

In the sympathy we feel for our suffering country, nothing can be more grateful to us, than the benevolence of the Proclamations issued by his Majesty's Commissioner, and your Excellency, so amply affording to the inhabitants of America, the means for extricating themselves from their present distresses; and whereby they are assured, that Great Britain is still willing to restore to the colonies, the benefits of local legislation, with their former constitutions, a participation in her extensive commerce, and an exemption from all taxations not imposed by themselves.

His Majesty's attention to the immediate happiness of this province, by empowering your Excellency to embrace the earliest opportunity, consistent with the public exigencies, to open



open the courts of judicature, convene an assembly, and completely re-establish both the legislative and executive authority, will, we are convinced, rouse, and bring forward, every aid requisite to enable your Excellency to fulfil his Majesty's most gracious intentions.

We most cheerfully concur with your Excellency, in the applause so justly due to the merits of your predecessor, under whose administration this province, when connected with, and protected by Great Britain, experienced uninterrupted felicity.

From the firmest principles of loyalty and personal confidence in your Excellency, you may be assured, of our co-operating in every measure conducive to the honour of the Crown, and the common prosperity and interests of our fellow-subjects.

Andrew Elliot, Hugh Wallace,  
Ch. W. Apthorp, Henry White,  
William Smith, William Axtel.

#### *His Excellency's Answer.*

GENTLEMEN,

The nomination of gentlemen for counsellors, with whom I have lived many years on the most friendly footing, was very pleasing to me. I knew that you were loyal and devoted to your King, and full of affection for the people, I was therefore sure you would promote every measure tending to unite their common interest.

Advise me then, how to make government agreeable to those, whose loyalty, firmness and sufferings, deserve every blessing government can bestow. And let us by example convince those whom misrepresentation has misled, that a return to loyalty is the road to escape tyranny, and enjoy freedom.

Happily two recent events afford lessons that may be useful to our friends and our enemies. The defeat and capture of the Spanish fleets, will prove, that however numerous, Britain can humble the most haughty

and powerful of her enemies. And the lively spirit of gratitude Ireland breathes to Britain, will show, that in a dispute between parents and children, where both mean the aggrandizement of the family, on a reconciliation, affection returns with an increase of tenderness.

*Philadelphia, May 3.* By a gentleman who arrived yesterday afternoon from Northampton county, we have the following intelligence, viz. On Tuesday morning the 25th ult. Mr. Benjamin Gilbert's house and mills, on the Mahony, about four miles from above Gnaden Hutten, twenty-eight miles from Bethlehem, were burnt, and the whole family, viz. Benjamin Gilbert and his wife, with two daughters, and a boy, Jesse Gilbert, and his wife, lately married, Andrew Huger, a day-labourer, and two or three persons going to the mill are either killed or carried off. Another son of Mr. Gilbert, with his wife and child, who lived half a mile higher up the Creek, are also missing, and his house burnt. Samuel Dodson's daughter going that morning to fetch some meal, has not returned, and it is supposed she fell into the hands of the murderers likewise. The families around them were ignorant of the whole until all was over; they saw the smoke, but as they knew Mr. Gilbert was clearing some land, they supposed the fire was from that; the barn was left, the horses gone, one bull and one cow stabbed, and half burnt, the other cattle running in the field; the report of but one gun was heard, which was in the house, and discharged itself in the fire.—Daily reports of mischief done by the Indians.

Sunday last arrived from Martinico, the Continental frigate Confedatary, Capt. Harding, with whom came passenger, William Bingham, Esq. Same day arrived a French brig from Martinico, loaded with salt, brandy, dry goods, &c.

On

*On the Cause of the late Disturbances.*

There are some people who value themselves on their sagacity and penetration, who discover latent designs in every casual occurrence, and mysteriously assign to some deep-laid scheme, events which may fairly be deduced from very simple and obvious causes: of this class are those who attribute the late alarming riots to *French emissaries, French money,* to a settled scheme of the *Protestants*, or even to the *Roman Catholics* themselves, in order to cast an odium on the *Protestants*. Without recurring to these over-refined suggestions, the whole of the late disturbances may be clearly and naturally accounted for, on plain and simple grounds. On the day when the multitude were convened in St. George's Fields, by Lord George Gordon's advertisement, the single object of attention in the vast concourse of people then assembled, was, the danger which they apprehended threatened the Protestant religion from the late encouragement given to Popery: this apprehension of danger, not being removed by a favourable answer to their petitions, which they had been taught to expect, a very considerable number attended on the Monday, their minds inflamed by the disappointment, who used violence to the persons of several Members of either House, (we do not enter into the merits of the case, we only mention facts) in order to intimidate them into a compliance with their wishes. A second disappointment raised their enthusiasm to a degree of rage which could not be troubled.—The first objects of their fury therefore were very *naturally* the chapels, and places of worship, where *that* religion was celebrated, which they considered so inimical to their interests, and against which from their infancy, by reading the Book of Martyrs, and other legends of that nature, they had conceived a rooted and incurable aversion. The horrid

stories of racks, tortures, dungeons, and Smithfield fires, rose to their minds in colours of varied and aggravated horror. From destroying chapels, altars, schools, &c. their blind and ungovernable zeal urged them to demolish the house of a gentleman, whose upright conduct, unblemished integrity, whose sound political principles, and firm attachment to the British Constitution, render him one of the most valuable characters in the English nation, one of the sincerest friends to the people in the British Parliament; but he was unwarily made the instrument of introducing the bill of which they complained, and that was sufficient to provoke their severest resentments. For these outrages, some of their party were committed to Newgate: the release therefore of these their suffering companions was the next *natural* effort of their enthusiasm; and with these companions, all the rest of the *malefactors* confined in that prison, were likewise set at liberty: it was this latter set of wretches who were the ringleaders in all the tumults that ensued: it was *they*, who having nothing to hope, and every thing to fear, from the laws and established regulations of civil society, burnt and destroyed the gaols, let loose their associates, and directed their vengeance against the Judges, Justices, the public law offices, and the inns of court: having thus, as they imagined, secured themselves from all danger of *legal commitment* or of any *possible confinement*, their plan was indiscriminate plunder; in prosecution of which dreadful plan, they proceeded from private houses and individuals to a most daring attempt on the great repository of the national treasure, the Bank of England itself. Happily, by the vigorous exertions of the military, this attempt was frustrated; and peace and safety have succeeded the late scenes of danger, blood, and conflagration.

*REPORT of the Sub-committee of Westminster, appointed April 12, 1780, to take into consideration all such matters relative to the election of Members of Parliament, as may promote the purposes of the present Association.*

*Free Masons Tavern, May 27, 1780.*

The Sub-committee having duly examined the various statutes of this realm, respecting the election of members to serve in the Commons' House of Parliament, more particularly such as were enacted for the purpose of guarding against the prevalence of bribery and corruption at elections, and the operation of every other species of undue influence upon the electors and elected; and reflecting upon the inefficacy of those provisions with respect to the prevention of evils, which threaten the final extinction of our liberties, are decidedly of opinion, that no effectual reformation of the abuses in question can take place, unless the people exercise their inherent and undoubted right of reviewing the whole plan of delegation, and, by recurring to the first principles of our Constitution, again establish it upon its ancient foundations of equity and right reason.

When error has obtained the sanction of time, it appears to the unthinking mind under the semblance of truth; and even men of reflection, who have formed a just conception of its nature and its tendency, are in such circumstances alarmed with apprehensions at the first attempts for its correction. However, as the consequences of error, in proportion to its magnitude and extent of operation, are manifestly evil, and as constitutional errors may therefore be supposed to be unavoidably productive of national calamity, it is surely more prudent, in the proper season, to submit to the perhaps imaginary inconveniences of a reformation, than to suspend our exertions, until we are obliged to encounter those

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accumulated miseries, which an obstinate perseverance, in an acknowledged course of error, must derive upon both prince and people.

The prevalence of evil in the present hour, proves the prevalence of error; and it does not require any extraordinary degree of sagacity in the politician and philosopher to discover, that the primary error, and the fruitful source of the many evils which we feel, consists in a departure from fundamental principles, in the present constitution of the Commons' House of Parliament; in consequence of which, it is no longer obedient to the will, or speaks the language of the great constituent body of the people.

Every application, therefore, for the redress of the present grievances of the nation, that shall be made to a body of men, no longer under the influence of their constituents, but on the contrary uniformly acting in subserviency to the views and interest of the crown, must of necessity be unsuccessful; and, from the natural effect of disappointment upon the human mind, will probably impair the vigour of every future exertion.

Application to the crown to suspend the exertions of its influence, or to repair the breaches made in that part of the constitution, which was intended to be the bulwark of the people against its encroachments, presupposes such an ignorance of the principles, which, in certain circumstances, are found invariably to actuate the human heart, that one would be led to imagine the use of argument would be superseded by the obvious absurdity of the expedient.

The event of the experiment, frequently repeated, has confirmed the conclusion which right reason would have suggested; and it now stands a truth, recorded for the benefit of every future generation, that when the point in question is a redress of grievances, originating in oppression,

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or a restitution of the rights and privileges of the people, millions sue in vain.

To what earthly tribunal therefore shall an injured people have resort in this alarming moment, when a desperate faction, in the midst of public calamity and distress, has manifested a determined purpose of persevering in a line of conduct, which, if persisted in, must inevitably end in the subversion of our liberties, and the desolation of our state? The sun of England's glory perhaps soon may set to rise no more!

One hope still remains in the native energy of the great collective body of the people, the native energy of a race of men, who have always stood distinguished in the annals of nations for every liberal sentiment, and every generous principle that can dignify our kind.

The peaceful efforts of this mighty power, acting by committees freely chosen, are sufficient, under the providence of Heaven, to re-establish the constitution in its ancient vigour. The public state of affairs requires this exertion; the public voice at length appears disposed to bear its testimony to this important truth, viz.

*That the restoration of the Commons' House of Parliament to freedom and independency, by the interposition of the great collective body of the nation, is essentially necessary to our existence as a free people.*

The circumstances of the times, and the peculiar nature of the means, which must be employed for effecting our deliverance, require, that the proposed plan be exhibited complete in all its essential forms; and that its various parts, being combined in strict and necessary union with each other, be established at one and the same moment of time.

When we cast our eyes upon the conduct of the present Commons' House of Parliament; when we behold a majority of its members, in defiance of our petitions, and their

own solemn declaration, persist in increasing the burdens of the people, and in a steadfast purpose of opposing every measure of redress, desponding apprehensions may for a time take place in the minds of the best and bravest of our countrymen. Reflection, however, will disclose a more pleasing prospect arising from the very extremity of our distress: more vigorous counsels, and an happy unanimity will be the unavoidable result; the alarm of the nobility for the very existence of their present splendid distinctions will co-operate with the poignant feelings of the people; and every rank and description of men will feel the propriety, the necessity of establishing that plan of parliamentary reformation, which holds forth our best, and indeed our only security, against the all-devouring influence of the crown.

Political truth, like the moral feelings of the soul, is plain and simple; it recommends itself powerfully to the general sentiment; and, when unveiled in its intrinsic purity, will assuredly call forth the animated exertions of millions in its support.

An equal representation of the people in the great counsel of the nation, annual elections, and the universal right of suffrage, appear so reasonable to the natural feelings of mankind, that no sophistry can elude the force of the arguments which are urged in their favour; and they are rights of so transcendent a nature, that in opposition to the claim of the people to their enjoyment, the longest period of prescription is pleaded in vain. They were substantially enjoyed in the times of the immortal Alfred; they were cherished by the wisest princes of the Norman line; they formed the grand palladium of our nation; they ought not to be esteemed the grant of Royal favour, nor were they at first extorted by violence from the hand of power: they are the birthright of Englishmen, their best inheritance, which,

which, without the complicated crimes of treason to their country, and injustice to their posterity, they cannot alienate or resign: they form that triple cord of strength, which alone can be relied on to hold, in times of tempest, the vessel of the state.

With respect to the expediency of reforming the representation of this country, and of recurring to the constitutional practice of annually electing the persons sent to Parliament, the Sub-committee observe,

That the General Meeting of the deputies, on the 17th of March, decided, in the affirmative, upon the propriety of these measures, with unanimous voice; that the Committee, from which this body received its instructions, have, with similar unanimity, given their suffrages to the same sentiment; and that the General Meeting of the inhabitants of Westminster, upon the 6th of April, declared, "That the people of England have, and always had, a clear, unalienable, indefeasible right to an annual election of their representatives, as well as to an adequate and equal representation, founded upon stronger grounds than that of any act or acts of Parliament; and that the attainment of these important constitutional objects is the most effectual expedient, for restoring and securing the independency of Parliament."

With regard to the restitution of the universal right of suffrage the Sub-committee conceive, that the reasonableness and expediency of the measure will probably be more apparent, if the full extent and magnitude of those powers be considered, which are entrusted to the representative by the constituent body.

The doctrine, that representation and taxation are inseparable, is founded in truth; but the undue preference that has been afforded to the rights of property, in various

discussions of this subject, has tended to keep out of sight other principles, equally essential to a just conception of this question.

A portion of the soil, a portion of its produce, may be wanting to many; but every man has an interest in his life, his liberty, his kindred, and his country; and when laws affecting these are made by persons, to whom he hath not delegated a power, each of these possessions, which are as substantial, as if, like land or money, they were the objects of the senses, may be invaded, and probably would be invaded by those, who, being possessed of property, the grand enchantress of the world, would thereby be enabled more successfully to gratify that lust of despotic power, which so strongly characterizes the human heart.

The exercise of the poor man's elective right is therefore essential to his freedom; and although, in ordinary cases, he may sometimes dispose of his suffrage without a proper regard to its importance, yet, when public calamity demonstrates, that public confidence has been abused, the opportunity of rectifying the evil by a more judicious delegation will probably not be neglected. Common sense will instruct him, that his own and free unbiassed voice, united with the voices of that numerous class of fellow citizens, who are his fellow sufferers at such a period, will prevail over the interested opposition of the tyrants of their species, and finally establish the real friends of humanity and of their country in the seat of power.

It may also be observed, that no consideration would have a stronger tendency to generate proper sentiments of affection to the community, and more effectually recall the minds of the rising generation from a course of dissipation and attachment to unworthy gratifications, than the perception of that share of political consequence,

sequence, which the restitution of the universal right of suffrage would afford.

At a certain age all the male inhabitants of this kingdom, with a few exceptions, are subject to the obligation of serving in the militia. Shall a man therefore be thought unworthy of a suffrage in the election of his representative, and at the same time shall his fellow citizens intrust to his fidelity and courage whatever they hold dear? Is it reasonable to deny to a citizen, when he has attained to maturity in his mental capacity, the common privilege of a freeman, the right of being governed by laws, to which the assent of himself or his representative has been obtained, and at the same time to avail ourselves of his bodily strength? Is it generous, is it politic, to treat him as an alien in the community; at the moment he may be ornamenting it by the powers of his understanding, or defending it by his arms?

Urged by the force of these reflections, your Sub-committee have considered the points proposed to their deliberation in their full extent. They have examined the voluminous system of laws relating to the subject of parliamentary elections, and find themselves under a necessity of pronouncing the far greater part of them to be founded upon partial conceptions, unjust restrictions, and false measures of expediency, which will not stand the test, when contrasted by the acknowledged principles of the constitution of this country.

More particularly, it appears to your Sub-committee,

1. That through the joint operation of the statute of disfranchisement, passed in the eighth year of the reign of Henry VI. and the triennial bill of the sixth of William and Mary, which attempted to give the first legal sanction to the continuance of the same Parliament beyond the

period of a single session, the representation of the Commons of England is virtually annihilated; and an institution, which was intended to be the people's defence against aristocratic domination, or regal despotism, is now become an engine in the hands of the Minister, to tax, oppress, insult, and enslave the people of this country.

2. That the present inequality in the representation in a great measure originates in an arbitrary exercise of the royal prerogative, whereby, in opposition to the clearest principles of the constitution, the crown presumed to authorize, at pleasure, certain incorporated bodies to send members to the Commons' House of Parliament; the unsuspecting people of this country at the same time not attending to the inequality, that from thence must necessarily take place in the representation, to the substantial injury of themselves, and every succeeding generation.

That in consequence of the decay of many of these corporations, and through the partiality of the crown in various periods of our history to its own tenants and dependants, there is at this time a degree of representation enjoyed by many boroughs of this kingdom, far exceeding the bounds of due proportion, and too dangerous to the public freedom to be longer endured.

3. That more than seventy acts of Parliament have been passed since the first invasion of the liberties of Englishmen in the reign of Henry VI. for the purpose of regulating elections—that tumults and disorders, bribery, perjury, and false returns, with a long train of other attendant evils, have been multiplied, in proportion as the acts were multiplied, which, under pretence of removing these evils, have in fact perpetuated them, and at the same time have abolished, and almost obliterated the remembrance of the universal

universal right of suffrage, which forms one of the most important franchises of the English people.

4. That every attempt to banish bribery and corruption, and undue influence, while the present restrictions of the right of suffrage, and imperfect representation in a septennial Parliament shall subsist, would only be calculated to deceive and amuse the nation to its final destruction.

5. That instead of adding to the number of our statutes by regulations incompetent to the purpose proposed, reformation should commence with the rescinding and abolishing of the injurious acts and illegal customs above mentioned: thus would the Constitution, as if delivered from an oppressive weight that impedes its exertions, recover its energies; while the principles on which it is founded would suggest a simple, practicable, and effectual plan for regulating those elections, on which our freedom, our happiness, and our very national existence must depend.

Governed by these considerations, the Sub-committee have framed the following plan, in which they have made it their chief effort plainly to express every material provision for securing the free election of an independent House of Parliament—they have studiously avoided entering into a detail—they have suggested to the best of their ability a plan, founded upon constitutional principles, and the common rights of mankind—a plan expedient in our present circumstances, and which may with facility be carried into execution by the spirited, yet pacific efforts of the people; provided their breasts are informed with the same sentiments

of public virtue, and ardent love of liberty, which have hitherto animated the exertions of the English nation.

*Plan for taking the suffrages of the people, at the election of representatives to serve in Parliament.*

I. That each county be divided into as many districts as it is intitled to elect representatives, each district choosing one representative.

II. That the division of the county into districts be constituted in such a manner, that each district contain nearly an equal number of males competent to vote in elections; regard being had, as much as may be, to the parochial divisions of the kingdom, so that each division comprehend a certain number of parishes: and moreover, that each district receive its denomination from the parish containing the greatest number of electors.

III. That the election of representatives to serve in Parliament be held annually through England and Wales, upon the first Tuesday in July: that the election commence between the hours of eight and eleven, and be finally closed before sun-set of the same day.

IV. That all the male inhabitants of this country (aliens, minors, criminals, and insane persons excepted) be admitted to vote at the election of representatives, subject only to the forms, provisions, and regulations specified in this report.

V. That the number of representatives, returned by the inhabitants of each county of England and Wales, be settled for the term of seven years next ensuing, according to the following schedule, viz.

|                                                                                            |      |
|--------------------------------------------------------------------------------------------|------|
| That the county of Rutland, and the two Universities, return }<br>each two representatives | 2— 6 |
| The counties of Huntingdon and Westmoreland, each three                                    | 3— 6 |
| The county of Bedford, five                                                                | 5— 5 |

Carried over 17  
Berkshire,

|                                                                                                 | Brought over | 17         |
|-------------------------------------------------------------------------------------------------|--------------|------------|
| Berkshire, Cumberland, Herefordshire, each six                                                  | 6—18         |            |
| Bucks, Cambridgeshire with Ely, Hertfordshire, Dorset, Nottinghamshire, Oxfordshire, each seven | 7—42         |            |
| Leicestershire                                                                                  | 8—8          |            |
| Sussex, Warwickshire, Worcestershire, each nine                                                 | 9—27         |            |
| Cheshire, Cornwall, Derbyshire, Northamptonshire, Salop, Staffordshire, each ten                | 10—60        |            |
| Hampshire, Wilts, each eleven                                                                   | 11—22        |            |
| Gloucestershire, thirteen                                                                       | 13—13        |            |
| Essex, Surry with Southwark, each sixteen                                                       | 16—32        |            |
| Lincolnshire, seventeen                                                                         | 17—17        |            |
| Kent, Lancashire, Somerset, Suffolk, each eighteen                                              | 18—72        |            |
| Durham bishoprick with Northumberland, Devon, each twenty-one                                   | 21—42        |            |
| Norfolk, twenty-two                                                                             | 22—22        |            |
| Wales with Monmouth, thirty                                                                     | 30—30        |            |
| Middlesex with London and Westminster, forty-five                                               | 45—45        |            |
| Yorkshire, forty-six                                                                            | 46—46        |            |
|                                                                                                 | <b>Total</b> | <b>513</b> |

VI. That an exact roll be kept of the male inhabitants competent to vote in each parish, continued down to the first Tuesday in June; and that no person be permitted to give his suffrage, whose name is not found in that roll. That this roll be delivered in upon oath of the Clergyman, Churchwardens, or other officers of the parish, to the Churchwardens of that parish of the district where the poll is taken.

VII. That the Sheriff, together with all the Justices of the Peace, Mayor, Aldermen, and Magistrates, form in each county a grand inquest, for allotting the districts in due proportion to the male inhabitants competent to vote, and for denominating the same; and that such inquest be finally settled, and notice of the allotment given to each parish comprehended in the district, within the term of ten days after the first Tuesday in June.

VIII. That the election of the representatives of the people be made at the principal town or village of the district.

IX. That the poll of each district be taken by ballot, under the conduct of the Churchwardens of the

parish in the district where the election is made.

X. The Churchwardens of the district, at the close of the poll, shall declare the name of the person elected, and certify the same to the Sheriff, in order to its being transmitted to the Clerk of the Crown in Chancery.

XI. That the annual session of Parliament shall commence upon the first Thursday in November, unless some extraordinary event, or urgent national business, should make it indisputably requisite for the Crown to assemble it before the stated period.

XII. That the Session terminate upon the last day of April, unless the national business should be sooner dispatched; the Crown, nevertheless, having the power to prolong the session beyond the stated period, if any urgent business remain unfinished; in which case, the Parliament may continue its sitting to the first Tuesday in July.

XIII. That all Members of the Commons' House of Parliament, before taking their seats, declare upon oath, That they do not hold any office or emolument at the will of



of the Crown, or its servants, or any Lord of Parliament; that they will give due attendance to business, and act with all fidelity to the people in the discharge of their important trust.

XIV. That all Members serving in Parliament be intitled to reasonable wages, according to the wholesome practice of antient times.

XV. That all election causes be finally decided by Jury before the Judges of Assize.

XVI. That every person, competent to give his suffrage as an elector, be also esteemed qualified to be elected to serve his country in Parliament.

Signed, by order of the Subcommittee,

T. BRAND HOLLIS, Chairman.  
*King's Arms Tavern, Palace-Yard,  
Tuesday, July 18. 1789.*

#### WESTMINSTER-COMMITTEE.

Resolved, That the thanks of the Committee be given to the Chairman and Members of the Subcommittee, for the very intelligent report, made by them, relative to the election of Members to serve in the Commons' House of Parliament.

That the report of the Subcommittee be printed, and copies sent to the several Committees of the counties, cities, and boroughs of this kingdom.

C. J. Fox, Chairman.

*The following is an authentic copy  
of a letter from Sir CECIL WRAY,  
Bart. to his constituents :  
To the Bailiffs, Aldermen, and Bur-  
gesses of East Retford :*

As from you, my constituents, did I receive my political existence, to you am I constitutionally accountable for the manner in which I have exercised it.

It has ever been my opinion, that the representative of a free people was under an obligation, implied in his election, to obey the instructions of his constituents—that their power of

re-choosing or rejecting him, once in seven years, was by no means a barrier to the abuse of the trust reposed in him,—seven years being almost equal to the worth of most gentlemen's lives,—seven years, in a corrupt assembly, long enough to rivet any chains a despotic Monarch, and abandoned Administration, may impose—in less than seven years, we have seen the ruin of this once happy, extended empire—a bankrupt Treasury, discontented people, and impaired Constitution.

As it was my principle to obey, so I ever wished to receive your instructions—this, you, with generosity, and a confidence in your representative's good intentions, have always declined giving—a confidence the more flattering, as I have great reason to think that the part I have taken, in those momentous measures, which have been attended with such extensive and ruinous consequences, did not meet your concurrence and approbation—this, as it enhances my obligations to you, renders it more necessary to explain the principles on which I acted; to you will be left to determine, whether I ought to be considered as that representative which your flattering behaviour to me, at the last general election, entitled you to.

Unknown to any one freeman of East Retford (at least personally unknown) I was pitched on, by many of your body, as a fit person to step between you and a tyranny which had, by various arts, for a long course of years, not only prevented the free choice of your representatives, but deprived you of several more immediate valuable personal rights. Excuse me if I say, that to be so called on, to vindicate the rights of my fellow-subjects, gave me more pleasure, than even the prospect of a seat in Parliament did—the latter is often in the reach of the most corrupt and dissolute contractors, Nabobs,

bobs, subverters of the rights of mankind, and murderers—but to restore liberty to the enslaved, is the lot of few—but let me not arrogate too much to myself; I was only the instrument, it was to your steady perseverance, to your manly endeavours, that every possible success crowned your just, your rightful wishes.

By the voice of a considerable majority, I was elevated to my present distinguished situation, yet still I had not the concurrent voices of your whole body—it was to time, and the manner in which I executed that trust, that at the last general election (one person only excepted) there was not a dissentient voice to your continuation of me in that honourable station.

But even in the last Parliament, it was rather a tribute paid to your opinion of my heart than of my head, that I received this mark of your approbation. My votes were often given contrary to what I believe your sentiments would have wished they were—I will not enter into a defence of such a multiplicity of businesses as were there transacted—for some years, I carefully transmitted to you the state of those transactions, nor did I discontinue that practice, till, by the zealous endeavours of a few, the right of the press, to acquaint the public with the transactions of their representatives, was fully established. Some few features there are of a more striking appearance than the rest, which I will shortly endeavour to explain and account for.

It is perfectly well known to you that on my first canvas, I was refused any assistance from the friends of the Administration, and that I was opposed by the gentlemen in the Opposition.—This gave me the additional pleasure of being indebted to you for my success; it left me also a freer agent, unfettered by

either gratitude for favours received from, or attachment to, particular men, even to those for whose political principles I had for years entertained the highest respect and reverence. Thus unfettered, I weighed every question by its own intrinsic merit, to the best of my understanding. My decision followed my judgment, without the least consideration to which side of the House such decision would be agreeable.

To say that this decision did not oftener concur with the Minority than the Majority would be an offence to truth, and a belying my principles. In the case of the Middlesex election, in particular, my opinion was perfectly decided; I considered the rights of the freeholders of that county as I would have done the rights of the freemen of Retford; I supported their claims, and in their persons defended the rights of the electors of Great Britain.

The claim of the House of Commons, established by that question, went to this, “That it was in the power of that House, by a vote, to disqualify any person from being the choice of the electors, to which person, the House, or indeed the Minister (for such is the undue influence of the Crown, that the terms are synonymous) shall from caprice or interest wish to exclude from a seat in Parliament.”—I say, by a vote; for the law had made no such disqualification. If one branch of the legislature could effect such a purpose, it would at any time have been in the power of a corrupt, abandoned Minister to have garbled the House, by expelling a Meadows, a Bentinck, or a Savile; to have, by so doing, rendered them incapable, and to have over-ruled the wishes of even the whole nation, who would naturally look up to such men as their guardian angels. The next step would have naturally been to have put in others

others (as indeed they did in that very transaction) whom neither the voices of the electors, nor the opinions of the people, would have called to such a station.

In this transaction your sentiments were said not to coincide with mine; I do not accuse you—in common with many of the best meaning men in the kingdom, you were influenced by arguments certainly specious, in my opinion, not conclusive—however, you gave me credit for my intentions, though you disapprove my actions.

In the same Parliament, those acts which in their consequences have been so ruinous to this kingdom, also took their rise, I mean the acts relating to America; on that head my opinions have never varied—taught that this constitution differed from all the world in this, that the people were governed by laws consented to by their Representatives, and that no person without such consent could impose any taxes on them. This is the foundation-stone of the constitution. Was such power lodged in those whose separate interest might lead them to abuse it, it immediately becomes tyranny, but when our Representatives are not only the men of our choice, but so united in interest, that they cannot tax the people without taxing themselves, to such men, it may safely be committed, I mean to such uninfluenced by those means which the constitution originally, and the increased expenditure of public money has imperceptibly lodged in the Crown.

America had been imprudently taxed by the stamp act—This had happened before I was in Parliament—From the leisure of a country life, and a turn to the study of constitutional history, I had on that event, with the utmost assiduity, endeavoured to make myself master of the question on which I apprehended the whole turned, viz. “Has Great-Britain in her Parliament a right to

impose taxes, or legislature for those branches of the empire, which have no voice in the choice of its Representatives, nor a common interest with its members? The result was, a compleat conviction that she had not—on this conviction, all my measures were founded—I never hesitated to declare my opinion, that she had no right to do either—but, that even if the right was doubtful, the exercise of it was (from the recent instance of the stamp act) the last degree of madness.—That it required very little degree of foresight to see that an immediate breach with America must be the first consequence. Then the House of Bourbon smarting from the consequences of the last war, and galled in pride by the concessions at the peace, would next take advantage of this disunion—that this nation exhausted by the enormous expences of a war carried on at three thousand miles distance, and weakened by the defection of its most considerable dependence, would by no means be a match for such enemies, and that what began in America would end in Britain.

I am aware that popular opinion joined the Minister on the commencement of the American war.—The idea of shifting a part of our enormous burthens on the shoulders of the Americans, as it appeared just to many, was convenient to all—No wonder then that the few whose sentiments differed from those of the multitude, were made the butt of all manner of obloquy and abuse. Yet still we persisted—we described, we deprecated the mischievous consequences to this kingdom—we left no stone unturned which the constitution had intrusted us with to avert them. But, surely, by the decrees of Providence, for no human endeavours could have involved us in such complicated ruin, our weak voice was neither attended to by the Ministry within, nor the people without—and

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now, too late, alas ! the eyes of the nation begin to open, when perhaps it would be happiness to have them closed on those transactions for ever.

Many persons have accused the Minority with encouraging the Americans to resistance—that if we could not agree in sentiment, we ought at least not to have opposed the Minister in his endeavours to coerce them. But I leave it to you, my constituents, to say what would in that case have been your language, when the present ruin had come on you, would you not, with propriety, have asked, “ Why did we send you to Parliament?—Was it not to watch over the public welfare, to give notice of any danger you feared to the State, and to use your endeavours to prevent such danger? You have been either negligent or treacherous—when the evil has come upon us, you tell us, you foresaw it, and yet you treacherously endured it?”—The Minister suffered nothing by our opposition—he never asked for a soldier but it was immediately granted him, for a ship that was not built, nor for a guinea that was not raised; if the war, in his hands, has not answered to the nations wishes, it must be ascribed to other causes, and not the obstructions given to the wheels of government.

Our opposition could not be ascribed to any sinister or selfish views—Did it entail expences or ruin on the kingdom? Was not our situation in life equally ruined and dissipated? Did we court popularity? To support unpopular measures, could not be the way to attain it—calumniated by the Minister, reviled by the people, unpopular with our constituents, we sat down content with the rectitude of our own hearts, and, with all these sins on our heads, were prematurely sent to a new election, in which probability seemed to deny us the future confidence of our electors.

It was at this period that my own wishes led me to that happy retirement which you had drawn me from—convinced in my own mind of my inutility to my country, and unhappy that my sentiments had not met the concurrence of my constituents, I expressed my desire to be eased of my burthen (for though it is an honourable one, yet the trust of the liberties and properties of millions is still a burthen)—The united solicitations of your corporation, communicated in a manner the most flattering to an independent spirit, compelled me with gratitude to you, though with reluctance to myself, to resume that situation your favours had first raised me to.

With the same independent spirit, on the same constitutional principles, have I exercised it—America has been the leading feature in this Parliament—the same unhappy measures have been pursued, and the mischiefs we prophesied have even exceeded our fears—ruin, with hasty strides, approaches us every where!

The increased influence of the Crown—the lavish expenditure of public money, have at length called on the people at large to petition for redress. These petitions have my most hearty concurrence and support, yet even here am I not so happy as to meet your wishes—if I am rightly informed, very few of the burgesses of East Retford expressed their concurrence, by signing the county petition—you will allow that it must be particularly irksome and disagreeable, to be ever at variance in sentiment with my constituents. Yet even in this situation I have the happiness, the inward satisfaction to find myself again solicited to represent you in the next Parliament.

To such solicitations I can only say, that as my duty to my country at large, and to you in particular, requires me not to desert your service in this critical hour of danger; and yet

yet as my private affairs coincide with my wishes, to return to my former happy situation, I must beg your permission to do so; but if it is your desire that I should once more become a public man, your commands shall be obeyed so far, as that I will, on the poll, offer myself to your choice. I shall take no common electioneering steps to solicit your votes, steps which experience shews you, only tend to corrupt your morals, and ruin your substance;—and should you, at such poll, prefer some gentleman, more worthy of your favour, I shall sincerely applaud myself on having been the instrument which has given you that freedom of choice, which, though it operates to my disadvantage, is the great, the genuine characteristic of a British freeman.

Should, on the contrary, your suffrages again prefer me, I have the happiness to think, that as my principles are so well known to you, a perseverance in them will be the truest means of expressing my gratitude—but should you at any time entertain a dissatisfaction of them, I give you my word and honour, that on your expressing it to me, I will take every measure I can to give you (by a resignation of my seat) that constitutional power which ought to be the inherent right of the people of England—the free and frequent choice of their representatives.

I am, with the greatest respect, your most devoted, obliged humble servant,

CECIL WRAY.

*Summer-Castle, May 10, 1780.*

*From the LONDON GAZETTE. Admirals'-Office, July 1, 1780. Extract of a letter from Sir GEORGE BRYDGES RODNEY, Bart. to JOHN LAFOREY, Esq. Commissioner of his Majesty's Navy at Antigua, dated on board the Sandwich, at sea, St. Lucia W. by N.*

*about ten leagues, May 16, 1780, and transmitted by the Commissioner to Mr. STEPHENS, in a letter dated the 19th.*

S I R,

I have been this instant favoured with your two letters of the 9th of this month, which found me about ten leagues to the windward of St. Lucia, turning after the enemy's fleet, in order to bring them to battle. I sailed from Gros Islet in quest of it so long ago as Saturday se'nnight, and have been in sight of them for this week past. We have been several times so near, that an engagement seemed inevitable; but they have, by the advantage of their windward station, and the superiority of the sailing of their ships, been able to avoid it till last night, when the van of our and the rear of their fleet came to action, as they passed on different tacks.

Had not the wind fallen off several points after I tacked, the last manœuvre I made had given me the wind of them, without which I find it will be impossible to effect it.

The Albion, (the leading ship) from having several ships upon her, has had a good many men killed and wounded, but is not otherwise materially hurt; no more than Admiral Rowley, nor the three or four ships of his division which were engaged. Several of the enemy's ships were so roughly handled, that they have taken themselves considerably to windward, and are now at a distance on our weather bow.

*From the LONDON GAZETTE EXTRAORDINARY, Whitehall, July 5, 1780.*

The following letters from Sir Henry Clinton, Knight of the Bath, Commander in Chief of his Majesty's forces in North America, to the Right Honourable Lord George Germain, one of his Majesty's Principal Secretaries of State, were this day received by Lieutenant-colonel Bruce,

Bruce, one of Sir Henry Clinton's Aids du Camp, who arrived in the South Carolina packet.

*Head Quarters, Charles-Town, South-Carolina, June 4, 1780.*

MY LORD,

I had the honour in my dispatch, No. 88, by the Earl of Lincoln, to communicate to your Lordship the surrender of Charles-Town. I am now able to give your Lordship a return of the prisoners taken, amounting, as you will observe, exclusive of near a thousand sailors in arms, to 5618 men.

I informed your Lordship, that Lieutenant-general Earl Cornwallis was to march up the north side of Santee, whilst another corps moved up the hither shore of that river towards the district of Ninety-six. These corps are in motion, as well as one up the Savannah river in Georgia.

The troops immediately under his Lordship's command have pressed so effectually upon a body of the rebels which remained in the province, that the Earl, by detaching his corps of cavalry, and with them the legion infantry (mounted) has completed the destruction of every thing in arms against us in this province.

Lieutenant-colonel Tarleton headed this detachment, whose celerity in performing a march of near an hundred miles in two days, was equal to the ardour with which they attacked the enemy. These refusing the terms which were offered them; were charged and defeated, with the loss of one hundred and seventy-two killed, and some taken, together with the remaining field artillery of the southern army, their colours, and baggage.

With the greatest pleasure I further report to your Lordship, that the inhabitants from every quarter repair to the detachments of the army, and to this garrison, to declare their allegiance to the King, and to offer

their services, in arms, in support of his government. In many instances they have brought prisoners, their former oppressors or leaders; and I may venture to assert, that there are few men in South-Carolina, who are not either our prisoners, or in arms with us.

I have also the satisfaction to receive corresponding accounts, that the loyalists in the back parts of North-Carolina are arming. I dare entertain hopes that Lord Cornwallis's presence on that frontier, and perhaps within the province, will call back its inhabitants from their state of error and disobedience. If a proper naval force can be collected, I purpose sending a small expedition into Cape Fear river, to favour the revolution I look for higher in the country.

I am, with the troops I could take, quitting the harbour of Charles-Town, on my way to New-York, hoping no foreign armament can yet have reached the coast, or have been able to attempt any thing, in our absence, against that place.

Lieutenant-colonel Bruce, my Aid de Camp, will have the honour of presenting these dispatches to your Lordship. He has served with distinction during this whole war, and is well able to satisfy your Lordship in any inquiries you may be pleased to make concerning the late operations in Carolina.

Your Lordship will receive by Major-general Prevost, who sails in a few days, the account from Earl Cornwallis of what shall have occurred to that time.

I have the honour to be, &c.

H. CLINTON.

*Total of the rebel forces commanded by Major-general LINCOLN at the surrender of Charles-Town, May 12, 1780, now prisoners of war.*

2 Major-generals, 5 Brigadier-generals, 3 Majors of Brigade, 16 Colonels, 9 Lieutenant-colonels, 21 Majors;

Majors, 145 Captains, 162 Lieutenants, 41 Cornets or Ensigns, 1 Paymaster, 7 Adjutants, 6 Quarter-masters, 18 Surgeons, 6 Mates, 322 Serjeants, 137 Drummers, 4710 rank and file.

The above is a copy of a return signed by the British Commissary of prisoners.

JOHN ANDRE, Deputy Adjutant-general.

*Romulus, off Charles-Town Bar,  
June 5, 1780.*

MY LORD,

I have just received from Earl Cornwallis a letter, inclosing a more particular report than had yet been received from Lieutenant-colonel Tarleton of the affair at Wacshaw. I have the honour to inclose both, together with a return of the killed and wounded, and of the artillery and other implements taken.

Your Lordship will observe, that the enemy's killed, wounded, and taken, exceed Lieutenant-Colonel Tarleton's numbers with which he attacked them.

I have the honour to be, &c.

H. CLINTON.

C O P Y.

*Campden, June 2, 1780.*

S I R,

In my letter of the 30th of last month, I inclosed a note from Lieutenant-colonel Tarleton, wrote in great haste from the field of action, and I explained my reasons for sending the detachment under his command in pursuit of the enemy.

I have now the honour of transmitting to you his account of the march and engagement, with the loss on both sides.

I can only add the highest encomiums on the conduct of Lieutenant-colonel Tarleton. It will give me the most sensible satisfaction to hear that your Excellency has been able

to obtain for him some distinguished mark of his Majesty's favour.

I have the honour to be, &c.

CORNWALLIS.

*His Excellency Sir Henry  
Clinton, K. B. &c.*

C O P Y.

*Wacshaw, May 30, 1780.*

MY LORD,

I have the honour to inform you, that yesterday at three o'clock, P. M. after a march of 105 miles in 54 hours, with the corps of cavalry, the infantry of the legion, mounted on horses, and a three-pounder, at Wacshaw, near the line which divides North from South-Carolina, the rebel force, commanded by Colonel Buford, consisting of the 11 Virginia and detachments of other regiments, from the same province, with artillery, and some cavalry, were brought to action.

After the summons, in which terms similar to those accepted by Charles-Town were offered and positively rejected, the action commenced in a wood; the attacks were pointed at both flanks; the front and reserve by 270 cavalry and infantry blended; and, at the same instant, all were equally victorious, few of the enemy escaping, except the commanding officer by a precipitate flight on horseback.

It is above my ability to say any thing in commendation of the bravery and exertion of officers and men. I leave their merit to your Lordship's consideration.

I have the honour to be, &c.

BAN. TARLETON,

Lt.-col: Comm. Br. Legion.

*Lieut.-gen. Earl Cornwallis.*

*Return of rebels killed, wounded, and taken, in the affair at Wacshaw, the 29th of May, 1780.*

1 Lieutenant-colonel, 3 Captains, 8 Subalterns, 1 Adjutant, 1 Quarter-master, 99 Serjeants, and rank and file, killed.

3 Captains,

3 Captains, 5 Subalterns, 142 Sergeants and rank and file, wounded, unable to travel, and left on parole.

2 Captains, 1 Subaltern, 50 Sergeants and rank and file, prisoners.

Taken, 3 stand of colours, 2 brass six-pounders, 2 royals, 2 waggons, with ammunition, 1 artillery forge cart, 55 barrels of powder, 26 waggons loaded with new clothing, arms, musket cartridges, new cartridge boxes, flints, and camp equipage.

(Signed) BAN. TARLETON.

Lt.-col. Comm. Br. Legion.

*Return of British killed and wounded in the affair at Warsaw, the 2,th of May, 1780.*

Cavalry. 2 privates, 11 horses killed; 1 Subaltern, 8 privates, 19 horses, wounded.

Infantry. 2 Subalterns, 1 private, killed; 3 privates, wounded.

N. B. Lieutenant Pateschall, 17th dragoons, wounded; Lieutenant Lauchlin McDonald, of the legion infantry, killed; Ensign Campbell of the legion infantry, serving with the cavalry, killed.

(Signed) B. TARLETON,

Lt.-col. Comm. B. L.

*Admiralty-Office, July 5, 1780.*

*Extract of a letter from Admiral Sir GEO. BRYDGES RODNEY, Bart. Commander in Chief of his Majesty's ships at the Leeward Islands. to Mr. STEPHENS, dated in Carlisle Bay, Barbadoes, May 31, 1780, received this morning from Captain MAN, of his Majesty's ship the Cerberus, who arrived at Falmouth the 2d instant.*

Since my letter of the 26th of April from Fort Royal Bay, sent express by the Pegasus, I must desire you will please to acquaint their Lordships, that after greatly alarming the island of Martinique, whose inhabitants had been made to believe his Majesty's fleet had been defeated, but were soon convinced to

the contrary, by its appearance before that port, where it continued till the condition of many of the ships under my command, and the lee currents, rendered it necessary for the fleet to anchor in Chocque Bay, St. Lucia, in order to put the wounded and sick men on shore, and to water and refit the fleet; frigates having been detached both to windward and to leeward of every island, in order to gain intelligence of the motions of the enemy, and timely notice of their approach towards Martinique, the only place they could refit at in these seas.

Having landed the wounded and sick men, watered and refitted the fleet, on the 6th of May, upon having received intelligence of the enemy's approach to windward of Martinique, I put to sea with nineteen sail of the line, two fifty-gun ships, and several frigates.

From the 6th to the 10th of May, the fleet continued turning to windward between Martinique and St. Lucia, when we got sight of the French fleet, about three leagues to windward of us, Point Saline on Martinique then bearing N. N. E. five leagues; Captain Affleck, in the Triumph, joining me the same day.

The enemy's fleet consisted of twenty-three sail of the line, seven frigates, two sloops, a cutter, and a lugger. Nothing could induce them to risque a general action, though it was in their power daily. They made, at different times, motions which indicated a desire of engaging, but their resolution failed them when they drew near; and as they sailed far better than his Majesty's fleet, they with ease could gain what they pleased to windward.

As they were sensible of their advantage in sailing, it emboldened them to run greater *risques*, and approach nearer to his Majesty's ships, than they would otherwise have



have done; and for several days, about the hour of two in the afternoon, they bore down in a line of battle a-breast, and brought the wind a little more than random shot distance.

As I watched every opportunity of gaining the wind, and forcing them to battle, the enemy, on my ordering the fleet to make a great deal of sail on the 15th, upon the wind, had the vanity to think we were retiring, and with a press of sail approached us much nearer than usual. I suffered them to enjoy the deception, and their van ship to approach a-breast of my center; when, by a lucky change of wind, perceiving I could weather the enemy, I made the signal for the third in command (who then led the van) to tack with his squadron, and gain the wind of the enemy. The enemy's fleet instantly wore, and fled with a crowd of sail.

His Majesty's fleet, by this manœuvre had gained the wind, and would have forced the enemy to battle, had it not at once changed six points when near the enemy, and enabled them to recover that advantage. However it did not enable them to weather his Majesty's fleet so much, but the van, led by that good and gallant officer Captain Bowyer, about seven in the evening, reached their center, and was followed by Rear-Admiral Rowley's squadron (who then led the van) the center and rear of his Majesty's fleet following in order.

As the enemy were under a press of sail, none but the van of his Majesty's fleet could come in for any share of the action, without wasting his Majesty's powder and shot, the enemy wantonly expending a deal of theirs at such a distance as to have no effect.

The Albion, Capt. Bowyer, and the Conqueror, Rear-Admiral Rowley, were the ships that suffered most in this re-encounter. But I am sure,

from the slackness of their fire, in comparison to that of the van of his Majesty's fleet, the enemy's rear, must have suffered very considerably.

The enemy kept an awful distance till the 19th instant, when I was in hopes that I should have weathered them, but had the mortification to be disappointed in these hopes: however, as they were convinced that their rear could not escape, they seemed to have taken a resolution of risking a general one; and when their van had weathered us, they bore along our line to windward, and began a heavy cannonade, but at such a distance as to do little or no execution; however, their rear could not escape being closely attacked by the ships of the van, then led by Commodore Hotham; and with pleasure I can say, that the fire of his Majesty's ships was far superior to that of the enemy, who must have received great damage by the encounter.

The Albion and Conqueror suffered much in this last action, and several other ships received considerable damage; a list of which, as likewise of the killed and wounded, I have the honour to inclose.

The pursuit of the enemy had led us forty leagues directly to windward of Martinico; and as the enemy had stood to the northward with all the sail they could possibly press, and were out of sight the 21st inst. the condition of his Majesty's ships being such as not to allow a longer pursuit, I sent the Conqueror, Cornwall, and Boyne, to St. Lucia, and stood with the remainder of his Majesty's ships towards Barbadoes, in order to put the sick and wounded on shore, and repair the squadron.

We anchored in Carlisle Bay on the 22d inst. where every dispatch possible has been used both night and day in refitting, watering, and victualling the fleet; and I hope that every

every thing will be in readiness to proceed to sea to-morrow, in quest of the Spanish fleet, which sailed from Cadiz the 28th of last month; intelligence of which has been brought me by the Cerberus, Capt. Man, who parted company with them on the 4th inst. in lat. 31. and a half, steering W. S. W.

The Brilliant and Rattlesnake sloop have joined me since, with the same intelligence; the latter from Commodore Johnstone. I shall order them all back again to their stations; but cannot forbear expressing to their Lordships my approbation of the merits of those officers, who thought it their duty to leave their station, and convey to me with speed, intelligence of such great importance.

I must desire you will please to acquaint their Lordships, that Monfr. de Guichen and the French fleet have got, in a shattered condition, into Martinico; where their Lordships may be assured, I shall keep a watchful eye over them; and hope I shall have an opportunity of giving a good account of the Spanish fleet, before the French are in a condition to put to sea.

*A list of the killed and wounded on the 15th of May, 1780.*

| <i>Ships.</i> | <i>Killed. Wound.</i> |    |
|---------------|-----------------------|----|
| Vigilant      | 3                     | 10 |
| Conqueror     | 2                     | 13 |
| Cornwall      | 3                     | 5  |
| Medway        | 1                     | 10 |
| Albion        | 12                    | 62 |

Total 21 100

*Officer killed.*

First Lieutenant, William Law, of the Cornwall.

G. B. RODNEY.

*A list of the killed and wounded on the 19th of May.*

| <i>Ships.</i> | <i>Killed. Wound.</i> |    |
|---------------|-----------------------|----|
| Intrepid      | 1                     | 0  |
| Suffolk       | 1                     | 21 |
| Triumph       | 4                     | 14 |

| <i>Ships.</i> | <i>Killed. Wound.</i> |    |
|---------------|-----------------------|----|
| Vigilant      | 9                     | 5  |
| Medway        | 2                     | 11 |
| Vengeance     | 3                     | 16 |
| Magnificent   | 5                     | 23 |
| Conqueror     | 3                     | 10 |
| Albion        | 12                    | 61 |
| Terrible      | 3                     | 9  |
| Cornwall      | 4                     | 10 |
| Preston       | 0                     | 3  |

Total 47 193

*Officers killed and wounded.*

Lieutenant Twycrofs, of the Triumph, wounded.

Lieutenant Flight, 87th regiment, of the Magnificent, wounded.

Captain Watfon, of the Conqueror, lost his arm, since dead.

Ensign Curry, 5th regiment, of the Albion, killed.

Mr. Paven, Master of the Albion, wounded.

Lieutenant Douglas, of the Cornwall, lost his leg.

G. B. RODNEY.

*From the LONDON GAZETTE.*

*Copy of a letter from General Sir HENRY CLINTON, K. B. to Lord GEORGE GERMAIN, dated Head-Quarters, Charles-Town, South-Carolina, June 3, 1780.*

MY LORD,

I have the honour to inclose, for your Lordship's information, the copies of two Proclamations I have found it necessary to issue as Commander in Chief, and the copy of a hand-bill which has been circulated amongst the inhabitants, and appears to have had a very good effect.

I have the honour to be, &c.

H. CLINTON.

*Hand-bill issued after the surrender of Charles-Town.*

When the Royal army arrived in South-Carolina, the Commander in Chief avoided, as much as possible, every measure which might excite the loyal inhabitants to rise in favour of Government, and thus bring danger and trouble upon themselves, at a time

a time when the King's army, being employed in the reduction of Charles-Town, could not assist or second their struggles.

The blood of the loyalists that had been unhappily shed, and the severities which had been inflicted on them by the rebels, in consequence of the former spirited but ill-timed insurrections of the King's numerous friends on the back of both Carolinas, had already occasioned too much grief and regret to his Majesty and their fellow-subjects in Europe, for him wantonly to bring again into hazard the lives and happiness of men who deserve so well of their country.

But Charles-Town with its harbour, and Fort Moultrie, being now reduced, and their garrisons, to the amount of 6000 men, with all their arms, stores, artillery, and ships of war, being in possession of his Majesty's forces, the time is come when it is equally the interest and duty of every good man to be in readiness to join the King's troops, and assist them in establishing justice and liberty, and in restoring and securing their own property, whenever they shall march to support them against the small rebel parties that still linger at a distance in the province.

After so much disorder, violence, and oppression, the helping hand of every man is wanted to re-establish peace and good government; and as the Commander in Chief wished not to draw the King's friends into danger, when any doubt could remain of their success; so now that that is certain, he trusts that one and all will heartily join, and, by a general concurrence, give effect to such necessary measures for that purpose as, from time to time, may be pointed out to them. And they may rest assured, that every means will be used to avoid giving them any trouble but what is necessary to se-

cure to them peace, liberty, and prosperity.

In order to attain these happy ends, it is the duty of all men, who wish well to themselves and their country, to be ready at a moment, with their arms, to regain their just rights, and support the free Constitution of their forefathers, under which we all increased and prospered.

Those who have families will form a militia to remain at home, and occasionally to assemble in their own districts, when required, under officers of their own choosing, for the maintenance of peace and good order. Those who have no families, and can conveniently be spared for a time, it is hoped will cheerfully assist his Majesty's troops in driving their rebel oppressors, and all the miseries of war, far from the province.

For this purpose it is necessary that the young men be ready to assemble when required, and serve with the King's troops for any six months of the ensuing twelve that may be found requisite, under proper regulations. They may choose officers to each company to command them, and will be allowed, when on service, pay, ammunition, and provisions, in the same manner as the troops. When they join the army, each man will be furnished with a certificate, declaring, that he is only engaged to serve as a militia man for the time specified; that he is not to be marched beyond North-Carolina and Georgia, and that when the time is out, he is freed from all claims whatever of military service, except the common and usual militia duty where he lives.

He will then have paid his debt to his country, and be entitled to enjoy undisturbed that peace, liberty, and property at home, which he had contributed to secure.

## SOUTH-CAROLINA.

By his Excellency Sir HENRY CLINTON, Knight of the Most Honourable Order of the Bath, General-Commander in Chief of all his Majesty's forces within the colonies lying on the Atlantic Ocean, from Nova-Scotia to West-Florida inclusive :

## PROCLAMATION.

Whereas, notwithstanding the gracious offers, which have been made to receive to his Majesty's peace and protection, with pardon and oblivion for their past offences, all those his deluded and infatuated subjects, who should return to their duty, and a due obedience to the laws ; yet there are some wicked and desperate men, who, regardless of the ruin and misery in which the country will be involved, are still endeavouring to support the flame of rebellion, and, under pretence of authority derived from the late usurped legislatures, are attempting, by enormous fines, grievous imprisonments, and sanguinary punishments, to compel his Majesty's faithful and unwilling subjects to take up arms against his authority and government ; and it is therefore become necessary, as well for the protection of the loyal subjects, as to procure the establishment of peace and good government in the country, to prevent, by the terror of example, such enormous offences being committed in future ; I have therefore thought fit to issue this my Proclamation to declare, that if any person shall hereafter appear in arms, in order to prevent the establishment of his Majesty's Government in this country, or shall, under any pretence or authority whatsoever, attempt to compel any other person or persons to do so, or who shall hinder or intimidate, or attempt to hinder or intimidate, the King's faithful and loyal subjects from joining his forces, or otherwise performing those duties their allegi-

ance requires, such person or persons so offending shall be treated with that severity so hardened and criminal an obstinacy will deserve, and his or their estates will be immediately seized in order to be confiscated. And for the encouragement of the King's faithful and peaceable subjects, I do again assure them, that they shall meet with effectual countenance, protection, and support ; and whenever the situation of the country will permit of the restoration of civil Government and peace, they will, by the Commissioners appointed by his Majesty for that purpose, be restored to the full possession of that liberty in their persons and property, which they had before experienced under the British Government. And that so desirable an event may be the more speedily accomplished, I do hereby, in his Majesty's name, require and command all persons whatsoever to be aiding and assisting to his forces, whenever they shall be required, in order to extirpate the rebellion, and thereby restore peace and prosperity to this, at present, desolated and distracted country.

Given under my hand, at headquarters, in Charles-Town, the 22d day of May, 1780.

(Signed) H. CLINTON.

By his Excellency's command.

(Signed) Nathaniel Philips.

Assisting Secretary.

( C O P Y )

## SOUTH-CAROLINA.

By his Excellency Sir HENRY CLINTON, Knight of the Most Honourable Order of the Bath, General and Commander in Chief of all his Majesty's forces within the colonies lying on the Atlantic Ocean, from Nova-Scotia to West-Florida inclusive, &c. &c.

## PROCLAMATION.

Whereas after the arrival of his Majesty's forces under my command in this province in February last, numbers of persons were made prisoners

soners by the army, or voluntarily surrendered themselves as such, and such persons were afterwards dismissed on their respective paroles; and whereas since the surrender of Charles-Town, and the defeats and dispersion of the rebel forces, it is become unnecessary that such paroles should be any longer observed; and proper that all persons should take an active part in settling and securing his Majesty's Government, and delivering the country from that anarchy which for some time past hath prevailed; I do therefore issue this my Proclamation to declare, that all the inhabitants of this province, who are now prisoners upon parole and were not in the military line (those who were in Fort Moultrie and Charles-Town at the times of their capitulation and surrender, or were then in actual confinement, excepted) that from and after the twentieth day of June instant, they are freed and exempted from all such paroles, and may hold themselves as restored to all the rights and duties belonging to citizens and inhabitants,

And all persons under the description before-mentioned, who shall afterwards neglect to return to their allegiance, and to his Majesty's Government, will be considered as enemies and rebels to the same, and treated accordingly.

Given under my hand, at headquarters in Charles-Town, the 3d day of June, 1780, and in the 20th year of his Majesty's reign.

(Signed) H. CLINTON.

By his Excellency's command,

(Signed) Peter Russell,

Assisting Secretary.

To their Excellencies Sir HENRY CLINTON, Knight of the Bath, General of his Majesty's forces, and MARIOT ARBUTHNOT, Esq. Vice-Admiral of the Blue, his Majesty's Commissioners to restore peace and good government in the several colonies in rebellion in North-America:

*The humble Address of divers inhabitants of Charles-Town:*

The inhabitants of Charles-Town, by the articles of capitulation, are declared prisoners on parole; but we the under-written, having every inducement to return to our allegiance, and ardently hoping speedily to be re-admitted to the character and condition of British subjects, take this opportunity of tendering to your Excellencies our warmest congratulations on the restoration of this capital and province to their political connection with the Crown and Government of Great-Britain; an event which will add lustre to your Excellencies' characters, and we trust, entitle you to the most distinguishing mark of the Royal favour. Although the right of taxing America in Parliament, excited considerable ferment in the minds of the people of this province, yet it may, with a religious adherence to truth, be affirmed, that they did not entertain the most distant thought of dissolving the union that so happily subsisted between them and their parent country; and when, in the progress of that fatal controversy, the doctrines of independency (which originated in the more northern colonies) made its appearance among us, our nature revolted at the idea, and we look back with the most painful regret on those convulsions that gave existence to a power of subverting a Constitution, for which we always had, and ever shall retain, the most profound veneration; and substituting in its stead a rank democracy, which however carefully digested in theory, on being reduced into practice, has exhibited a system of tyrannic domination, only to be found among the uncivilized part of mankind, or in the history of the dark and barbarous ages of antiquity.

We sincerely lament, that after the repeal of those statutes, which gave rise to the troubles in America,

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the overtures made by his Majesty's Commissioners, from time to time, were not regarded by our late rulers. To this fatal inattention are to be attributed those calamities which have involved our country in a state of misery and ruin, from which, however, we trust, it will soon emerge, by the wisdom and clemency of his Majesty's auspicious Government, and the influence of prudential laws, adapted to the nature of the evils we labour under; and that the people will be restored to those privileges, in the enjoyment whereof their former felicity consisted.

Animated with these hopes, we intreat your Excellencies interposition in assuring his Majesty, that we shall glory in every occasion of manifesting that zeal and affection for his person and Government, with which gratitude can inspire a free and joyful people.

*Charles-Town, June 5, 1780.*

[Signed by 210 of the principal inhabitants.]

*Admiralty-Office, July 8, 1780.*

The following is a copy of the articles of capitulation on the surrender of Fort Moultrie, referred to in, but which were omitted to be sent with, Vice Admiral Arbuthnot's letter of the 14th of May last, published in the Gazette Extraordinary of the 15th of last month.

*Articles of Capitulation, agreed on between Captain CHARLES HUDSON, Commander of his Majesty's Ship the Richmond, and Lieutenant-colonel SCOTT, Commandant of Fort Moultrie, on the surrender of that fort and its dependencies, May 7, 1780.*

Art. I. That the troops in garrison shall be allowed to march out with the usual honours of war, and to pile their arms outside of the gate.

Art. II. That all the officers in garrison, as well continental as mi-

litia, and the non-commissioned officers and privates of the militia, shall be considered as prisoners at war at large on their parole, until exchanged; and be allowed, in the mean time, to reside with their families and friends, Charles-Town excepted, as it is at present under siege.

Art. III. That the continental and militia officers be permitted to wear their side arms.

Art. IV. That the slaves and other property of every individual in garrison be secured to their respective owners: that all such slaves in garrison, belonging to persons out of it, be secured to their respective owners in such manner as may be agreed upon between Captain Hudson and the commanding officer of the fort.

Art. V. All property, slaves, &c. to be secured to each individual of the garrison; such as is lodged in the fort for security or otherwise, belonging to individuals, not of the garrison, to be delivered up.

Art. VI. That the sick have every necessary accommodation, and all the continental private soldiers be treated in a humane manner, and not rigorously confined; every humanity to be shewn to both sick and well.

Art. VII. The fort, artillery, arms, ammunition, and stores, of all kinds, to be delivered up to such officers and guard as Captain Hudson shall think proper to send for that purpose.

Art. VIII. The garrison to march out of the fort, and pile their arms early in the morning, in front of the British forces, who will be drawn up before the entrance of the fort on the occasion.

(Signed) CHARLES HUDSON,  
WILLIAM SCOTT,  
Lieut.-col. 1st reg. and Com.  
of Fort Moultrie.

A Copy.

M. ARBUTHNOT.

SOUTH-

## SOUTH-CAROLINA.

By Sir HENRY CLINTON, *Knight of the Bath, General of his Majesty's Force*; and MARIOT ARBUTHNOT, *Esquire, Vice Admiral of the Blue, his Majesty's Commissioners to restore Peace and good Government in the several Colonies in Rebellion in North America*.

## PROCLAMATION.

His Majesty having been pleased by his letters patent, under the Great Seal of Great-Britain, to appoint us to be his Commissioners, to restore the blessings of peace and liberty to the several Colonies in rebellion in America, we do hereby make public his most gracious intentions, and in obedience to his commands, do declare, to such of his deluded subjects, as have been perverted from their duty by the factious arts of self-interested and ambitious men, that they will still be received with mercy and forgiveness, if they immediately return to their allegiance, and a due obedience to those laws and that Government which they formerly boasted was their best birthright and noblest inheritance, and upon a due experience of the sincerity of their professions, a full and free pardon will be granted for the treasonable offences which they have heretofore committed, in such manner and form as his Majesty's Commission doth direct,

Nevertheless, it is only to those, who, convinced of their errors, are firmly resolved to return to and support that Government under which they were formerly so happy and free, that these gracious offers are once more renewed, and therefore those persons are excepted, who, notwithstanding their present hopeless situation, and regardless of the accumulating pressure of the miseries of the people, which their insatuated conduct must contribute to increase, are nevertheless still so hardened in their guilt, as to endeavour to keep

alive the flame of rebellion in this province, which will otherwise soon be re-instated in its former prosperity, security, and peace.

Nor can we at present resolve to extend the Royal clemency to those who are polluted with the blood of their fellow-citizens, most wantonly and inhumanly shed under the mock forms of justice, because they refused submission to an usurpation, which they abhorred, and would not oppose that Government with which they deemed themselves inseparably connected: And in order to give quiet and content to the minds of his Majesty's faithful and well-affected subjects, we do again assure them, that they shall have effectual countenance, protection, and support, and, as soon as the situation of the province will admit, the inhabitants will be re-instated in the possession of all those rights and immunities which they heretofore enjoyed under a free British Government, exempt from taxation, except by their own legislature: And we do hereby call upon all his Majesty's faithful subjects, to be aiding with their endeavours, in order that a measure so conducive to their own happiness, and the welfare and prosperity of the province, may be the more speedily and easily attained.

Given under our hands and seals, at Charles-Town, the first day of June, in the twentieth year of his Majesty's reign, and in the year of our Lord, 1780.

H. CLINTON,

M. ARBUTHNOT.

By their Excellencies command,

JAMES SIMPSON, Sec.

From the LONDON GAZETTE.  
Extract of a letter from JOHN DAL-  
LING, *Esq. Governor of Jamaica*,  
to the Right Honourable Lord  
GEORGE GERMAIN, one of his  
Majesty's Principal Secretaries of  
State, dated at Kingston, Jamaica,  
June

*June 2, 1780, and received by the Thynne packet.*

I have the honour to congratulate your Lordship on the reduction of the important fort and post on the river St. John, by a detachment of his Majesty's troops under the command of Captain Polson of the 60th regiment. Suffice it to say, for I shall not take up your Lordship's time with an uninteresting tedious detail of trifling matters, that the fort surrendered on the 29th of April, that there were found in it 1 brass mortar, of five and an half inches, 20 pieces of brass ordnance mounted, besides swivels, 10 or 12 iron ditto dismounted, with a proportionable quantity of military stores.

Inclosed are copies of the capitulation, list of prisoners, and of the killed and wounded before the fort.

*Extract of a letter from Captain POLSON to Governor DALLING, dated St. John's Fort, April 30, 1780.*

I have the honour to inform your Excellency, that this castle surrendered to his Majesty's arms yesterday at five o'clock P. M. The terms of capitulation I now inclose, which I hope will meet with your approbation.

I have also the honour of sending your Excellency, by Lieut. Thomas Mounsey, the colours of the fort and of the regiment, as well as returns of the cannon and stores taken in it.

When I came to Cape Gracias a Dios, there were not any Indians to be seen; some villains there had taken the pains to persuade them that the English army came to enslave and send them to Jamaica; it was therefore some time before any of them ventured to come in. I took the opportunity of sending some small presents by one of their people, who had ventured down to watch our motions. He being acquainted with Mr. Campbell, was

undeceived by him, and brought to me, which had the desired effect, as most of the tribes came in very soon after.

Your Excellency's letters of March 17, I received the 20th of the same month, as I entered the river St. John's. I shall ever retain the most grateful sense of the sentiments you was therein pleased to express for me; and I am sorry that the delays I met at the Cape, and other places between that and the harbour of St. John; from the want of craft, and the backwardness of the Indians in coming out, prevented my operations keeping pace with your Excellency's expectations. I however hope you will do me the justice to believe that no time was lost that could possibly have been saved, situated as I was. It was the 3d of March before any Black River crafts arrived, and those were the only ones then provided. It is true the Indian Governor promised me a great many, but when I came to his country, there was not one ready; and we got them at last, with a great deal of difficulty. The Superintendent was entirely deceived by the Indians in the number of the craft and men, and still more so in point of time.

Captain Nelson, then of the Hinchinbroke, came up with thirty-four seamen, one serjeant, and twelve marines: I want words to express the obligations I owe that gentleman; he was the first on every service, whether by day or by night; there was scarcely a gun fired but was pointed by him or Lieutenant Despard, chief engineer, who has exerted himself on every occasion: I am persuaded if our shot had held out, we should have had the fort a week sooner: as Captain Nelson goes to Jamaica, he can inform you of every delay, and point of service, as well as I could, for he knows my very thoughts.

The bearer Lieutenant Mounsey can



can inform your Excellency of many things that may escape my memory; he is a very good officer, and commanded the party I sent to reconnoitre the look-out, and began the attack of it in concert with Captain Despard and Captain Nelson, who with his seamen volunteered that duty.

[TRANSLATION.]

*Answer of Colonel JOHN POLSON, Commander in Chief of his Britannic Majesty's forces before Fort St. Juan, to the proposals of capitulation made by Don JUAN DE AYSSA, Governor thereof for his Catholic Majesty, April 29, 1780.*

Article I. The garrison shall be allowed the use of their batteaux, to transport themselves where they shall think proper, and the term of four days for the entire evacuation of the fort.

Answer. The garrison of Fort St. Juan shall surrender prisoners of war, and shall be conducted to some port (in my option) of North America, subject to the Crown of Spain, and shall be furnished with vessels and provisions necessary to the voyage, provided they engage their parole of honour not to bear arms against his Britannic Majesty until an exchange of prisoners shall have taken place conformably to such cartel as is or may be established between the two nations.

II. The garrison shall march out with colours flying; each man with a ball in his mouth, lighted matches, drums beating; each soldier shall have twenty rounds, musket, and side arms, together with two pieces of cannon (three pounders) with twenty rounds to each.

Ans. The British forces must be put in possession of the principal gate of the fort between the hours of four and five in the afternoon, at which centinels shall be kept to prevent the Indians from committing any act contrary to the rules of war

or laws of humanity; and in favour of the gallant defence which the Commandant has made, the garrison shall be allowed to march out with colours flying, drums beating, lighted matches, musket, and side arms, with two rounds to each man, to the foot of the glacis, opposite to the south front of the castle, where they shall pile up their arms and accoutrements, the officers keeping their swords. Afterwards they shall retreat to the castle.

III. Every officer and soldier, on evacuating the castle, shall be allowed to keep their effects, baggage, money, and whatever else may actually belong to them.

Ans. The officers' and soldiers shall be allowed to keep their baggage, and whatever money may actually belong to them; but every slave must be detained for the use of his Britannic Majesty.

IV. The prisoners made at the advanced post on the island of Bentole shall be restored.

Ans. In case the garrison shall accept the terms of capitulation offered, the prisoners made at the advanced post on the island of Bentole shall be included in it, provided, however, that all slaves shall appertain of right to the King, my master.

V. The garrison shall be allowed ten days for the evacuation of the fort, during which time they shall not be molested by any person whatsoever.

Ans. The garrison shall not be molested by any person whatsoever, until their arrival at the place appointed.

VI. The garrison shall be allowed the use of their own provisions.

Ans. No other answer is necessary to this article than that already given to the *first*.

VII. The garrison shall be allowed to carry with them all such ornaments and effects as are necessary to their religion and mode of worship.

Ans.

Anf. Granted in the fullest sense.

VIII: The British forces shall treat the garrison with humanity and politeness, duties incumbent on all nations.

Anf. It is the characteristic of Britons to treat their prisoners with humanity and politeness, and I pledge my word to do my utmost to keep the Musquitos within the bounds of moderation.

IX. Should any doubts arise in the preceding articles, they shall be explained in favour of the garrison.

Anf. As I do not mean to cavil, an answer to this article would be useless. Immediately on being put in possession of the interior of the fort, and its dependencies, I will appoint an officer, who shall take charge of the military chest, and likewise name Commissaries to take account of all warlike stores and provisions, artillery, slaves, and in general of every thing belonging to his Catholic Majesty.

(Signed) JOHN POLSON,  
Colonel and Com. in Chief.

*Head-quarters, camp before St.*

*Juan, April 29, 1780.*

JUAN DE AYSSA,

Com. of the castle of St. Juan.

*List of prisoners taken in the castle of St. John's, April 29, 1780.*

1 Captain and Governor, 1 Lieutenant, 2 Sub-Lieutenants, 1 Captain of engineers, 1 Chaplain, 1 Surgeon, 3 Serjeants, 3 Drummers, 9 Corporals, 17 soldiers of artillery, 1 cadet, 31 Spanish soldiers, 61 soldiers of colour, 17 bateaux men, 6 slaves, women and children, 3 male-factors, 17 women, 13 children, 1 master carpenter, 1 carpenter, 1 blacksmith, 2 masons, 25 wood cutters, 1 Corporal of ditto, 2 officers and Chaplains servants, 14 taken at the advance post.

(Signed) JUAN DE AYSSA,  
Governor.

*Return of the killed and wounded at the taking of Look-out Island and*

*the castle of St. John's, April 30, 1780.*

60th regiment. 1 rank and file killed; 1 Serjeant wounded.

79th regiment. 2 rank and file killed; 3 rank and file wounded.

Loyal Irish corps. 5 rank and file killed.

Jamaica volunteers. 1 rank and file killed; 2 rank and file wounded.

(Signed) JOHN POLSON, Col.  
commanding at the castle of St. John's.

Jamaica ff.

*To his Excellency JOHN DALLING, Esq. Captain-general, Governor and Commander in Chief of this his Majesty's island of Jamaica, and other the territories thereon depending in America, Chancellor and Vice-admiral of the same.*

*The humble Address of the Assembly of Jamaica.*

May it please your Excellency, We his Majesty's most dutiful and loyal subjects, the Assembly of Jamaica, animated with the warmest zeal for his Majesty's person and government, and towards the safety and prosperity of this most valuable and important island, beg leave humbly to represent to your Excellency, that the war having extended its operations to the neighbouring islands, we feel for ourselves and our constituents the dangers that threaten them, and therefore humbly entreat your Excellency that the troops, or any of them now stationed here for our protection and defence, or any of the white inhabitants, or people of colour, be not sent off upon foreign expeditions, as the sending any of them upon such expeditions must tend to endanger the safety of this island from its foreign as well as intestine enemies.

Passed the Assembly this 20th day of April, 1780.

S. W. HAUGHTON, Speaker.  
To

To which his Excellency was pleased to return the following answer :

Mr. Speaker and Gentlemen of the Assembly,

It is far from being my present intention to lessen the force now in this island ; and I have reason to believe it will be very soon in my power to augment it.

My only points of view are to obey the orders of my Sovereign, and be the guardian of that which he has committed to my charge.

I therefore can but repeat what I have already said to you, that I trust my poor endeavours will be ultimately found to have tended invariably to the preservation and prosperity of this valuable island.

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From the LONDON GAZETTE.

*Admiralty-Office, July 18, 1780.*  
*Extract of a letter from Admiral GEARY, Commander in Chief of a Squadron of his Majesty's ships employed to the westward, to Mr. STEPHENS, dated at sea the 5th instant.*

Monday the 3d instant, the *Monarch*, being a-head on the lookout, at ten A. M. made the signal for seeing a fleet of 25 sail ; which judging to be a squadron of the enemy's ships of war, and that no time might be lost, I immediately ordered a general chase, which was continued all that day. At five P. M. the *Monarch* made the signal to denote that we passed the sternmost of the enemy's ships without securing them, as soon afterwards did the *Foudroyant*, and some others of the headmost ships ; and at the same time we could plainly discover from the *Victory's* mast-head, that they were nearly up with the rest of the enemy's ships. Soon after seven, a thick fog unfortunately came on, and I shortened sail, in order to close with the ships nearest me, steering the same course under an easy sail until daylight the morning after. I with pleas-

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sure acquaint their Lordships, that all the ships have since rejoined me, except the *Monarch* and *Defence*, which I am informed were left in chase of the enemy's ship of war, under whose protection the convoy had sailed.

The fleet which we chased proves to be a convoy from Port au Prince, of between 25 and 30 sail, under convoy of the *Fier* of 50 guns, and a large ship *armé en flute*, of which the vessels named in the inclosed have been captured ; and had it not been for the sudden coming on of the fog at the hour I have mentioned, it is my opinion that every ship of them would have been taken.

*A list of prizes taken the 4th of July, 1780, by the Squadron under the command of Admiral GEARY, bound from Port au Prince to Bourdeaux and other parts of France.*

Brig *Le Jeun François*, by the *Monarch*. Ship *Le Comte d'Estaing*, by ditto. Ship *Le Hazard*, by the *Proserpine*. Polacre *Eleonora*, by the *Ambuscade*. Ship *Maria Teresa*, by the *Diana*. Ship *Count d'Argout*, by the *Canada*. Ship *Courier*, by the *Royal George*. Polacre *Cosmopolite*, by the *Queen*. Snow *Voyageur*, by the *Foudroyant*. Ship *St. Bartholomew*, by the *Prince George*. Ship (name unknown) by the *Defence*. Polacre *Le Solitaire*, by the *Alfred*.

The above vessels are chiefly laden with sugar, coffee, cotton and indigo.

FRAN. GEARY.

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*Madrid, June 10.* The following is a copy of the *Comte de Florida Blanca's* answer to the memorial presented by the *Comte de Rechteren*, relating to the vexatious treatment which the Dutch vessels underwent, notwithstanding the orders of his Catholic Majesty :

" SIR,

" The most positive orders have lately been dispatched to the Commanders

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manders of his Majesty's men of war, and of ships fitted out for cruising, for them to refrain from giving the smallest interruption to any vessels bearing the Dutch flag, that they may meet with at sea, even if they should be laden with effects belonging to the enemies of his crown, provided that those effects are not such as are by general treaties declared contraband in time of war.—An intimation has also been given to the above-mentioned Commanders to behave with all possible civility and attention towards the said Dutch vessels, in the execution of the royal declaration of the 13th of last March, concerning the fortress of Gibraltar; to be understood, nevertheless, that all that has been determined upon by the ordonance in question, and those previous to it, shall be executed in the fullest force against those powers who have not made a declaration similar to that of their High Mightinesses. As to the rest, in consequence of his Majesty's command, I have already informed the Viscount de Herreria of this order; and I, at the same time, communicate it to your Excellency, that if you think proper you may transmit it to their High Mightinesses.

FLORIDA BLANCA.

*Aranjuez, June 4, 1780.*

*Madrid, June 21.* Don Emanuel Gonzalez, Sub-lieutenant of the second battalion of the regiment of Spanish infantry, arrived at Aranjuez the 15th inst. with dispatches from Camp Marshal Don Bernard de Galvez, Governor of Louisiana, containing the agreeable news of the surrender of the Fort Mobile to his Majesty's arms on the 14th of March, last. The following is Don Joseph Galvez's letter to the Secretary of State for the department of the Indies:

"SIR,

"I have the satisfaction to inform you, that on the 14th of this month, after four days open entrenchment,

the Castle of Mobile, with a garrison of 300 men, 35 cannon, and eight pateraroes, surrendered to the King's troops.

"This capture cost us more men and time than we had imagined, as well on account of the advantageous situation of the fort, as that for four months past the English have fortified it considerably, having made the parapet seven feet thicker than they were at the time they were in possession of the French. The resistance was vigorous; and what added to the merit of the enterprize, it was performed by troops who were fatigued, naked, and just escaped from shipwreck; which is a circumstance that deserves to be represented to his Majesty.

"A report having been spread at Pensacola, that we had been shipwrecked, and lost 700 men, General Campbell resolved to attack us by sea and land, with the greatest part of his forces, and to decide the fate of the whole province, for which purpose he arrived at within nine leagues of our camp with 1100 men, and his vanguard was in sight before our entrenchment was opened, because the greatest part of our boats having been lost, those which remained were scarcely sufficient for bringing us provisions, and the transport of the ammunition was carried on very slowly.

"I pray your Excellency to consider our situation; on the point of a want of provision, with very little ammunition, 1100 men in sight of us, 300 in the fort, making in the whole 1400 men, a number equal to ours, and on their side the protection of the country and the fort. This disagreeable situation did not abate the courage of our troops; on the contrary, necessity gave them fresh courage; they carried on the works of the entrenchment, erected a battery, and attacked the fort; and it surrendered in sight of the vanguard of the enemy and of Gen. Campbell, who

who contented himself with looking at us for eight days, and witnessing the valour and constancy of our troops; after which, having altered his resolution, he raised his camp, and returned to Pensacola with his army. One of our detachments took a Captain and 20 soldiers of his rear guard.

Signed,

BERNARDO DE GALVEZ."

*Dated Mobile, March 20, 1780.*

*A Journal of Don BERNARDO DE GALVEZ, Brigadier of the Royal armies, Governor of the province of Louisiana, and entrusted by his Majesty with the expedition against Pensacola and Mobile, containing the occurrences therein.*

[*Translated from the Madrid Gazette.*]

On the 2d of January, 1780, being informed by the advices of the Captain-general of the island of Cuba, that the expedition from the Havannah ought to have already put to sea, notwithstanding its dispatch being prevented by the engineer in second, Don Francisco Xavier de Navas, not sending advice, as he might have done in case any accident had happened. We hastened to obviate any delay in the ordinary correspondence with the commanders of the troops in garrison, and of the posts in the province; so that on the 10th, at night, all those who were to embark were ordered to be ready the next day; in the mean time I took every precaution that it might be done; I gave orders for civil and military authority to Lieutenant-colonel Don Pedro Piernas, and gave the command of the division destined for the expedition to Colonel Don Gerónimo Giron, giving him like instructions for his direction, naming him also a second in command in this enterprise.

On the 11th of January, in the evening, reviewed the embarkation, and embarked the 2d battalion of the regiment of Spain, 43 of the regi-

ment of the Prince, 40 of that of Havannah, 141 of that of Louisiana, 14 of the artillery, 25 carabineers, 223 of the white militia, 107 mulattoes and mustezos, and 24 slaves.

From the bad weather I could not warrant the departure of the convoy (which consisted of one merchant frigate, four settees, a packet boat, two brigantines, the King's frigate *El Volante*, the galliot *Valenzuela*, the privateer brig *El Galvez*, and the King's brig *Koulican*) till the 14th, when at nine in the morning we sailed, and made eight leagues that day.

On the 15th we lay to all day, that the troops might settle themselves in the best manner.

On the 16th cleared the sands 16 leagues from the capital.

On the 17th continued to two leagues and an half from the south-east pass.

On the 18th anchored at ten o'clock right before it. I immediately sent Don Juan de Riano, ensign of the ship, to sound and reconnoitre, that I might determine whether I could pass there, or to the east. We staid there till the 20th of January, when de Riano returned, and reported that the said passes were both of equal depth. By agreement with Don Luis Lorenzo de Terrazas, Lieutenant of the navy, charged with the command of the convoy, I determined for the East channel, and found it necessary to lighten some of the ships as they drew more, when laden, than twelve feet water, which was the depth of the channel.

From the 21st the convoy anchored in the midst of the *Lutra Pass*, where we remained under shelter of a little island till the 27th, on account of bad weather. On that day, at nine in the morning, the *Volante* frigate made a signal for the fleet to weigh, which was obeyed; and anchored again at the East channel.

On the 28th the whole convoy failed,

failed, except one of the fettees, which having missed the wind, could not get in till the 4th of February.

In the mean time she made various efforts to get under sail, but could not effect it.

On the 6th of February, having made twenty leagues, about night fall the horizon grew dark, and the weather squally, from the south-west. Made signal to lay to, with our heads off shore.

In the night much wind, a high sea, and storms of thunder and hail, with a whirlwind, which kept us under a balance mizen. At eleven o'clock the wind coming round to the east, which fortunately enabled us to get off the land, to which the south-west wind had driven us too much.

On the 7th, in the morning, I observed, that notwithstanding the roughness of the night, the convoy kept together; and the wind keeping still high, lay to all the day.

On the 8th, at day-break, met the brig Galvez, in which I went, with only four ships, two of which appeared to have been detained, with my brig, in preserving the rest of the convoy, which made much water.

On the 9th, in the morning, the wind proving fair, made signal for the convoy to follow me with forced sail, and soon made the land joining to Rio Perdido. At noon got a-bread the Bay of Mobile; saw the commanding frigate, with four others of the convoy, but the wind falling short, could not join them until day-break next morning.

Within the channel, which gives entrance to the Bay of Mobile, was a vessel, which we thought not to be a Spanish ship: she appearing to be of greater force than the Volante frigate, we made ready to attack her that night with the Valezuela, who carried one 24 pounder in her prow, and several armed launches.

Before we could be ready for that work, one of the centinels of the Vo-

lante, who had observed a boat approach, cried out, Who's that? when the boat coming nearer, was answered in English, and then made off. Don Juan de Riano was sent after the boat in an armed launch; he returned about nine o'clock with a small smack that he took in the bay with five men and the mate, who informed us, that the vessel in the bay was a frigate that had sailed from Pensacola five days before, with some merchant ships for Mobile, and she had 16 guns mounted, though only 20 men. Riano then attempted in the galliot, with three armed launches, to attack the frigate; but having the misfortune to ground the galliot three times on the bar, he was obliged to quit the attempt.

On the 10th, in the morning, the wind arose very high at south-west, with a very heavy sea, so that we hastened to get into the bay for security. The Volante frigate was the first who got over the bar in safety: she was immediately followed by the Galvez brig, and both went with a design to attack the English frigate, whose crew then finding us to be enemies, ran her on a sand bank which was in the channel, and quit-  
ted her. The Commander of the Volante, without considering he had her head to the wind, and that he had already dispatched an experienced officer to trace out the passage for the ship, ran upon the same bank, whilst he was securing the ensign: the Galvez following, had the same fate, and with four other ships ran on the bank. The weather was so bad, that it was impossible for us to assist each other. The Volante laboured all day to get off, but could not. The Galvez brig remained ashore from noon till one o'clock the next morning, when, with great labour, she was got off, greatly damaged; making nine inches of water in an hour. Of the other four ships, two got off, and the others remained a-ground, begging

begging assistance to save the crews and the troops.

The 11th, the weather continued so bad that it was impossible to assist the stranded ships, being much afraid of incurring the same danger. The whole of this day the Commander of the frigate employed the utmost efforts to get her off, but without effect.

The 12th, the weather permitting, we landed on a plain at the point of Mobile, the troops brought in the bilanders, which had got in without any accident; at the end of which we got a little clearer, and at the same time providentially effected the same from the other ships that had got in.

The same day, at twilight, the troops and crew of the ships that were stranded, got on shore, with great risque and fatigue; after they had passed two days and two nights in a continual danger of perishing, without any power of being assisted. The success of this operation is due to Don Gilberto Antonio Maxent, Commander of the Louisiana militia, who got off the people with the launches of the St. Vincente Ferrer, and the St. Francisco de Pablo, jetties, which had happily got into the bay. The *Volante*, the weather permitting, attempted to lighten her cargo.

The 13th, all the missing ships came in sight, except the *Koulican*. In the evening the merchant frigate the *Miserecordia*, and the *St. Salvador de Orta* brig got safe in; but the *St. Rosario* packet-boat, which served as an hospital, endeavouring to make sail, had the misfortune to run ashore on the bar; and though the Captain did all in his power to get her afloat, it proved in vain. At night, landed the troops from the three above-mentioned ships.

The 14th, day broke with the wind blowing hard at south-west, rain, thunder, and lightning; so that the ships a-ground could not be

got off, and, except the people and a few things that were saved on a small island, every thing else was lost. The *Volante*, which till then had hopes of being saved, filled with water up to her hatches, as did also the English frigate.

The 15th, employed with the launches in getting ashore the provisions and other effects we could save out of the stranded ships.

The 16th, reviewed the troops in a desert plain, and found that there were about 800 men who had been ship-wrecked, and could save nothing but their persons. The greatest part of them were naked, and much of the provisions, ammunition, and artillery was lost. In these circumstances we had no other hopes of succour, than to divide what arms we had. But I confided in the good disposition of the troops, who, in the midst of the most dreadful calamity, always preserved the same ardour to attack the enemy; and taking the wreck of the lost vessels, which was driven on shore, made scaling ladders of it to approach Mobile, and attempt to take the castle by escalade, since our misfortune had deprived us of the materials for attempting a formal siege. I ordered that the next day we should re-embark the troops, leaving there only enough to guard the entrance of the Bay, by erecting a battery on the point which commanded the mouth of it, and mounting thereon the *Volante's* guns.

The 18th, embarked the troops.

The 19th, at three o'clock in the evening, saw a small bilander trying to get into the Bay; at four, knew her for a Spaniard, and sent a pilot to bring her in. The Captain came on shore, and told me that he came from the Havannah, laden with salt for our use; and sailed in company with the King's frigate, *El Charu-bequin Caiman*, the packet-boat *St. Pio*, the brigantines *St. Teresa* and *El Renombrado*, with some troops of the

the regiment of Navarre, all of which were separated three days before in the great storm.

The 20th, the weather was not so favourable to go up the Bay till eleven o'clock; at that time saw five ships steering to us, which we found, at two o'clock, to be the above-mentioned ships, and a Catalan settler. I therefore delayed to make sail, till those ships were come in. At four in the evening they happily arrived; but the Catalan settler not being able to get into their wake, lay to till five o'clock, and fired three guns for a pilot: but the wind being south west, the tide against her, and a very high sea, the settler wore, and was soon out of sight. In the mean time the Gaiman frigate passed, with Colonel Don Geronimo Giron, and Don Francisco Xavier, engineer in second, who gave me the dispatches from the Captain-general of Cuba. By these I learned, that within a few days, if the weather would permit, the expected expedition would sail from the Havannah.

The 21st, the day broke cloudy, with a strong wind at north-west, which blew the whole day, so that we could not sail for Mobile. Towards night it changed to west, with great violence, which lasted till the 22d, when it encreased so much, that the St. Salvador de Orta brig, the King's Bilander, the Terrible, the vessel laden with fuel, and a little smack, having lost their anchors, were driven on shore by the wind, and stranded on the point of the bay, but without one person being lost. This second misfortune, which tended to interrupt our designs, produced no other effect amongst the troops and mariners, than to rejoice, that they had learned by the first accident to be accustomed to conquer these kinds of difficulties.

The 23d, notwithstanding the greatness of the labour to get off

the stranded ships, we saved the little smack, and the Terrible, Bilander; we also employed the launches to transport the people of the St. Salvador, and those who were in the Bilander; all this was done with great risk and fatigue, because the sea was very rough, and the shores were thick set with rocks.

The 24th, the wind being favourable, made signal for the Gaiman frigate (whose commander, Don Miguel Goicochem, I had promoted to command the convoy) to make sail. This was done by all the ships, and got forward five leagues, at which distance the Gaiman stopped for want of water to go on. The other vessels went on the 25th, with proper precaution, unto the mouth of the river de los Peros, at three leagues distance from Mobile, and there came to anchor between eleven and twelve in the forenoon.

I then ordered to land a part of the light troops, under the command of Colonel Don Geronimo Giron, and the engineer Francisco de Navas. We reconnoitred the ground, and agreed to encamp on that spot, having our left supported by the bank of the said river, and demolished a house belonging to Monf. Urban de Money, a Frenchman. Orders were given to continue to land the troops, and we found that all the ships had escaped over the last shoals without any particular hurt.

At that house we heard, that on the 23d, Colonel John Stuart, the English commissary for Indian affairs, had been there with a party, to withdraw all the small craft of the inhabitants of the bay; that another party of the English had withdrawn all the whites and blacks of that nation, and obliged them to take arms; that being animated at the news they had received by two men who had deserted from us, that we had had seven hundred men drowned, they had burnt and destroyed the houses and



and cattle in the neighbourhood of the fort. At midnight a negro came to us, who had escaped from the castle that evening, who confirmed the above news, and that there were only three hundred men in the fort.

The 26th, landed the rest of the troops and the provisions, and sent Engineer Don Francisco de Navas, with a convoy, to reconnoitre a proper place for a second encampment, and to land the artillery.

The Valenzuela galliot, under Don Louis de Terrazas, got up abreast the fort at a proper distance, to fire a twenty-four pounder, from whence he discharged some shot without being answered,

The 27th finished the landing of the troops, and sent the engineer again to reconnoitre, as he had not yesterday found a fit place for landing the artillery.

The 28th, the engineer went early to mark out a camp in a more convenient place at three quarters of a league distance from the fort, and Don Francisco Gelabert, with fifty men, to make a road, and place bridges over some little bays. At nine in the morning struck our camp, and transported the troops in launches, across the river de los Peros, and got to our second camp at four in the evening. This day the galliot continued to fire on the fort, but the enemy made no return. The launches employed in carrying the remaining things and provisions from the first to the second camp.

On the 29th, Colonel Don Geronimo Giron went to reconnoitre the fort, with an escort of two companies of regulars, one of militia, and another of negroes and mulattoes. They got on, by a wood, to a house within musquet shot, when they could remark nothing but the outside, and where they found the fort fired at them with grape-shot, but without doing them any damage. This day the galliot got much nearer,

and fired, which was answered by several shot, which carried away some of her rigging. The launches employed in bringing provisions, iron-work, and planks. Twenty Indians of the English party, with two of their chiefs, came and requested friendship, which, after the usual ceremonies, I granted, whilst they remained neuter.

Mar. 1, Colonel Don Geronimo Giron reconnoitred the fort from the same spot as yesterday, whence he observed several houses of the common people were burnt. I then sent Lieutenant Colonel Don Francisco Boligny, with a drum and a flag of truce, with a letter, written in French, directed to the commanding officer, to the following purport:

“ Sir,  
“ If the number of troops with which I shall invest the fort did not greatly exceed those which you have to defend it, I should not propose to you to surrender; but the great inequality of strength puts us in such a state, that you must either give it up immediately, or you must suffer all the calamities of war, if a useless and obstinate resistance should irritate the patience of my troops, already desperate with the several misfortunes they have suffered. To-day I shall be disposed to a regular capitulation, conformable to the present circumstances; to-morrow perhaps, Sir, will leave you no other resource, but a fruitless repentance, for not having accepted my proposal in favour of the unfortunate men under my command.

I have the honour to be  
your very humble  
and obedient servant,  
BERNARDO DE GALVEZ.  
*From the river de los Peros,*  
March 1, 1780.  
To Don Elias Durnford.

At four in the evening, Boligny returned with the following answer:  
“ Sir,

" Sir,

" I have the honour of your letter, in which you require me to surrender immediately the fort under my command to your superior forces. I am convinced that the difference militates in your favour; but my troops are not therefore of opinion to yield to your proposal, much less am I; since, should I give up the fort, I should be looked upon as a traitor to my King and country. A just love for those two respectable objects, and my own honour, exacts that I should not yield, until I find myself under the necessity of so doing, and am convinced by experience that all my resistance is in vain. Your generosity of soul is well known to us, as is your kind treatment of those of my countrymen, as well officers as privates, who were your prisoners in the Mississippi. If I should have the misfortune to add to the number, a heart filled with courage and generosity is always the portion of those gallant men who fight for their King and country as objects of esteem, and not from a principle of revenge.

Sir, I have the honour to be, with all due respect, your most humble, and obedient servant.

ELIAS DURNFORD."

*To General Galvez.*

On the receipt of this answer, I ordered the camp to be moved next day, to a spot chosen by the Engineer Navas, in the midway to where the battery was to be raised.

The 2d in the morning, when the troops were ready for the march, one of the militia who had been on the look-out, took notice that sixty armed men had sallied from the fort. On this, Colonel Giron set out with a detachment of 200 men; he returned at one o'clock, and reported, that on his being seen, they sounded a retreat in the fort, and he observed the men who had sallied to return, so that he only met with a brother of

the Commissary Stuart, whom he took prisoner. This business having hindered the removal of the camp, I repeated my orders to do it the next day, and took every necessary means to undertake the landing of the artillery.

The 3d, at nine in the morning, we removed our camp, and pitched it at the distance of 200 yards from the fort. Then we were employed all day in bringing ammunition, provisions, and other necessaries from the old camp. At night sent two parties above the fort, the one to cut off any troops that might sally out, and the other to collect what could be got out of the houses that had been abandoned, but very little could be brought, since the greatest part of them had been burnt.

The 4th, continued to bring provisions and ammunition into the camp, and drew two cannons of 18 pound ball, with so much spirit, that they were drawn above half a league in only half an hour.

The 15th, continued to bring the artillery, and began to make fascines. This day, in order to give leave for some persons who had sheltered in the castle, to bring refreshments to their families, the English Governor and I had reciprocally a regale of wines, fowls, confections, and tobacco. At the same time we treated on the means of preventing the total desolation of some of the first people, who had gone to the defence of the fort, and who had already burnt many of their houses. We thought it unreasonable, that some wretched inhabitants, who had taken no part in the war, should be subjected to cruelty and slaughter. On my part, I assured him, that my prisoners should be treated as mildly as was in my power, with every respect due to humanity; and promised that my scouting parties should not do the least damage to the dwelling that had been fitted up in the woods and shrubberies,

thrubberies, for the reception of sick and wounded. The English Governor, in acknowledgment of my proposals, declared he would not suffer any more devastation than was necessary for his defence, and that the greatest part of the houses that had been burnt, was contrary to his positive orders.

The 6th, at day break, sent Colonel Giron and Engineer Navas, with a company of the grenadiers of Spain, a detachment of piquets and 20 negroes, to mark out the parallel and the situation of the battery, which was done without being incommoded by the fort. At ten o'clock, the Colonel found an empty house at the side of the Bag, near to the camp, which he proposed to serve for a store-house for provisions, and occupied it immediately.

The 7th, the engineer, with a like escort, raised a platform between the camp and the fort. Continued our works, and a corporal and two soldiers of the Spanish regiment were grievously hurt by the unseasonable fall of a tree, as it was cutting down. We learnt, by an intercepted letter, that the enemy expected a very considerable succour from Pensacola, to prevent which, I sent Don Miguel Goicochea, Captain of the frigate, to discover if they should chance to come by sea, and dispatched two parties on the look-out by land.

The 8th, Engineer Navas went at day-break to be certain whether the marks remained, where the trenches were to be traced out. He was fired upon by a party from the fort, who were in ambush, but we had only one man wounded. We returned the fire briskly, and, we have since learned, the English had one man killed, and a Captain and two men wounded; finished transporting the artillery to the camps, and continued making fascines. The Corporal and one of the soldiers, who were hurt by the fall of the tree, died this day; at

night sent two parties, one of a company of piquets, and the other of twenty militia; both were ordered to lie in ambush about the fort to cut off any party that might sally out.

The 9th, the parties returned, declaring there had been no sally. Finished the fascines, and every thing necessary for an attack. At night fall, after a short harangue, to a body of militia, in order to encourage them, 200 men, and 300 workmen, went to open the trenches. They worked with such alacrity, that by ten o'clock at night they were under cover, and erected an epaulement of fascines to hide the work of the battery from the enemy. During the whole night we were so happy as not to be perceived. Our launches, who were stationed at the end of the river, in the bay, intercepted two letters, which confirmed the advice that a powerful succour was already very near; in consequence of which we took every necessary precaution not to be surprized. At three in the morning mounted guard in the trenches.

The 10th, relieved the trenches before day-break with 150 soldiers, and as many workmen, and endeavoured to form the battery. The enemy then fired smartly with ball and grape shot, carbines and muskets against the epaulement, which fire lasted till eleven o'clock, and killed six, and wounded five; amongst the killed was Don Pedro Borell, Lieutenant of militia; and amongst the wounded was Don Luis Lorenzo de Terrezas, Lieutenant of the navy, who, having landed the cannon of the ship he commanded, had desired, with his second, Don Juan Riano, to serve as a volunteer during the siege. On this account we ceased to carry on the works till night, when there was less risque. From this hour the fire of the cannon and musquetry was much slower, with some intervals; that night it rained

so violently, that we advanced very little in our battery and other works, although the fire was very slack on the attached front, therefore we were suspicious they would, under favour of the night, attempt an assault on all the four fronts.

The 11th, before day-light, continued our works to enlarge the trenches, to carry the artillery under cover, and worked to get the battery ready, that we might silence the fire of the fort.

The two scouting parties that had been sent out on the 7th returned back. Their Commanders acquainted me; one, that having got at night to a place called Tenza, he observed an encampment forming, which had about twenty tents pitched, and they were fixing others; that they had several fires, and that he thought they had above four hundred men. The other officer gave the same intelligence, but with this difference, that there were above six hundred men. On this news we reinforced the guards, and took every precaution against a surprize.

The 12th, having finished the battery, and fixed the cannon in the embrasures in the front, the time from day-break 'till ten o'clock was employed in getting ready the ammunition, and regulating every thing. At that hour we opened the battery with a brisk fire from 8 guns of 18 pound balls, and one of 24, and the enemy answered in the same manner. Our fire had the best effect against the embrasures and parapets of the two forces we attacked.

The fire continued incessantly on both sides 'till sun-set, when the enemy having one gun dismounted, and another overthrown, hoisted a white flag. Our loss was one killed, and three wounded, and one cannon dismounted by a ball from the enemy. Among the wounded were Don Enrique Grimaresch, Captain of the regiment of Navarre, Major of

the trenches, and of the Louisiana militia; and Don Enrique Deprez, Adjutant of the Commandant-general.

An officer came there from the fort, desiring from the Governor that I should also send an officer as a hostage, to see that no works should be carried on either in the fort, or in our works, whilst we were treating. I agreed, and sent a Lieutenant of the regiment of Navarre; and the English officer brought me a letter from his Governor, in which he desired a suspension of hostilities 'till seven o'clock the next morning, when he would send me his proposals for surrendering the fort to his Majesty's arms. I acceded to this request under his express word of honour that it was not to gain time for him to receive the succours he expected; nor to let the seamen and inhabitants who had joined him to defend the fort, go out of it.

The 13th, the Governor sent me very inadmissible terms, to which I would not accede. I gave him four hours time to determine on the circumstances, that that night the fossé should remain occupied by Spanish troops, the port open, and we to have the keys of the barriers; the breach, which was already accessible, although with some difficulty, and the place of arms, also, in the covert way; and I would cease 'till that time elapsed.

I received several advices, as well from particular persons, as from Indians, that General Campbell was near with 1100 men, two field pieces, a howitzer, and some Talapuches Indians: I therefore doubled the guard in the trenches, planted a line of centinels along the fossé of the fort to give the most immediate notice of whatever might happen; and kept the troops all night under arms, having parties out every where to prevent a surprize.

The 14th, in the morning, having signed

signed the following articles of capitulation, I entered the fort, taking the following prisoners:

Of the 60th regiment.—1 Captain, 2 Lieutenants, 1 Ensign, 15 Serjeants, 78 rank and file.

Of the Maryland corps.—1 Serjeant, 15 rank and file.

Of the artillery.—1 Corporal, 2 soldiers.

1 Workman, 2 Surgeons, 60 seamen, 54 inhabitants, 51 armed Negroes. — Total 284.

I ordered the troops under arms, and gave them thanks, in the King's name, for the firmness they had shewn in all the misfortunes they had suffered; for the zeal, valour, and constancy, they had hitherto shewn on all occasions; and as a recompence for their labours, I offered them, in the Royal name, a third part of all the effects found in the fort.

I then sent two armed launches up the river to observe the motions of General Campbell.

In the evening, I removed the camp under the cannon of the fort, and put all the ammunition and stores we had in the park, trenches, and battery, into the magazines, but could only remove the 24 pounder. Employed also in taking inventories of every thing contained in the fort, and regulating the inclosed ordnance.

Four ships came from New Orleans with 130 of the militia, who had remained there for want of vessels when the expedition set out; including 26 Americans, and 27 militia, who when the Koulican brig got into the Mississippi were landed, to come the sooner by the lakes.

The 15th, had advice that General Campbell, having heard of the surrender of the fort, had resolved to retreat; and was assured that his force consisted of 1100 regular troops, some Indians, and cannon; which proves, that in these critical circumstances, with the least activity and

vivacity in their works, they must have delayed the giving up of the fort.

The 16th, employed the troops in getting the cannon from the battery to the fort.

The 17th, the launches that had been sent to watch the motions of General Campbell returned, with a Captain and 20 dragoons of the English militia, which were taken prisoners at ten leagues distance from Mobile. They also informed me, that General Campbell had gathered all the boats he could, and sailed with his army for Pensacola.

Fifty of the English inhabitants took the oaths of fidelity.

We found in the fort 36 new iron cannons of 12, 9, and 6 pound calibres, and 13 pateraroes, 7 half used cannons, and 9 unserviceable, as much ball, grape shot, and necessary utensils, as were proper for the use of these pieces, 384 new muskets, several Indian fowling pieces, 200 quintals of powder, and other stores.

#### BERNARDO DE GALVEZ.

Had not the General wanted time, he would have sent a list of those officers and individuals whom he is bound to recommend to the Royal consideration. He had not time, in this dispatch, to mention at large the particular merit of Don Geronimo de Giron, Colonel of the Prince's regiment, and second Commander in this expedition; we can only say now, to remark in a manner worthy of the services of that officer, in the voyage and in the shipwreck, that though his rank would not permit him to have the command at the attack of Mobile, that of Pensacola is reserved for him. At the same time, an order is passed, that the troops may know him as Commander in Chief on that enterprise. It was him who directed from the beginning to the end, although his singular modesty would not permit him

to publish the order, nor did the General take one step without consulting him. He had the satisfaction to approve whatever he proposed, and gives this testimony of his prudence and talents in the whole of the action.

*Articles of Capitulation proposed by ELIAS DURNFORD, Esq. Lieutenant-governor of the province of West Florida, Captain of engineers, and Commander of his Britannic Majesty's troops in fort Charlotte, in Mobile, granted by Signor Don BERNARDO DE GALVEZ, Knight Pensioner of the Royal and distinguished Order of CHARLES III. Inspector, Intendant and General Governor of the province of Louisiana, General of this expedition, &c.*

Article I. That the regular troops of this garrison shall be permitted to go to Pensacola, by the road of the river de los Perdidos, with their arms and their cartridges full, giving them an escort for their baggage; or they shall be sent to that place by sea, without being searched, as soon as can be convenient, allowing them six days provision for their journey.

Answer. Refused.

Art. II. The first article having been refused, I ask that the troops shall march out through the breach, drums beating, and with sixteen rounds in their cartridges; that they shall march along the fosse to the principal gate of the fort, and when got at some distance from the covered road, opposite the breach, they shall surrender their arms to those of his Catholic Majesty; the Governor and officers shall keep their swords, and their baggage and effects, with those belonging to the soldiers, shall not be searched.

Ans. Granted.

Art. III. The seamen, inhabitants, and workmen, specified in my lists, shall be free to retire to their dwellings, under the same condi-

tions granted to the inhabitants of the Natches.

Ans. The seamen shall be kept the same as the soldiers; and the inhabitants who went into the fort, and took arms for its defence, must surrender as prisoners of war: and in case Pensacola shall be attacked, these inhabitants shall share the same fate; that is to say, if they took arms, and were made prisoners of war, they shall continue so, and shall not enjoy their liberty: but if Pensacola shall not be attacked, they shall be released within eight months; but they must swear not to bear arms during the war. The inhabitants who have not been in arms shall enjoy the same advantages granted, at the capitulation of Baton Rouge and Natches.

Art. IV. The infirm and the wounded, who cannot be removed, shall be removed as soon as their sickness and hurts will permit: they shall be attended by our Physicians and Surgeons, shall have lodging, diet, and every assistance gratis, at the same time with the other troops and inhabitants.

Ans. The sick and wounded shall have the same care with those of his Catholic Majesty's troops; they shall be attended by their own Physicians and Surgeons: and his Britannic Majesty shall pay all expences, according to the estimates given by the Spanish Commissary. When they are well, they must remain prisoners of war with the rest, and shall be carried to join their respective companies.

Art. V. Those inhabitants who deposited their effects in the fort, for better security, shall be allowed to collect them, and to dispose of them as they shall think most convenient.

Ans. All the effects found in the fort belong to his Catholic Majesty.

Art. VI. Those inhabitants who have assisted in the defence of the fort

fort shall be treated as virtuous patriots.

Anf. This is answered in the third article.

Art. VII. Whatever goods of the inhabitants have been collected during the siege by his Catholic Majesty's troops, shall be restored, or paid for, by virtue of the justifying documents which shall be presented.

Anf. All cattle, killed for the service and maintenance of his Catholic Majesty's forces, shall be paid for, on proof given that the owners had not taken arms, or were not in the condition of being treated as enemies.

Art. VIII. Whatever deserters, of any nation whatsoever, shall be found in the fort, they shall be treated as the other troops, and not looked upon as enemies of State.

Anf. All deserters found, shall be treated as the other prisoners.

Art. IX. The prisoners shall have a daily allowance of provisions till they are exchanged.

Anf. The prisoners shall have a daily allowance, at the expence of his Britannic Majesty, according as it shall be rated in the estimate of the Spanish Commissary.

Art. X. The soldiers shall not be permitted to separate from the troop or company in which they are enrolled, or go into any other service.

Anf. The soldiers shall be so treated, that there shall be no suspicion of any design to oblige them to quit their old service for any other; but they shall be free to engage in that of Spain, if they desire it, of their own free will.

Art. XI. The fort shall be surrendered to the troops of his Catholic Majesty to-morrow the 14th inst. at ten o'clock in the morning.

Anf. Granted.

ELIAS DURNFORD.

Fort Charlotte, at Mobile,  
March 13, 1780.

BERNARDO DE GALVEZ.

Camp at Mobile, March 13, 1780.

Additional article. The besieged shall, *bona fide*, deliver to the Commissaries, appointed to receive them, all the ammunition, arms, artillery, powder, provisions, and other effects, that exist in the fort at the time of capitulation, without spoiling or concealing any thing.

BERNARDO DE GALVEZ.

ELIAS DURNFORD.

By a return accompanying the above journal, we have had in the above expedition killed Don Pedro Borelle, Lieutenant of militia, and volunteer engineer; and 7 rank and file.

Wounded, Don Enrique Grimaresh, Captain of the regiment of Navarre, and Serjeant-major of the trenches; Don Luis Ferrezas, Lieutenant of the navy; Don Enrique Despres, Captain of militia and Adjutant to the Major-general; and 9 rank and file.

Although the enemies must have suffered more in the defence of the fort, yet Don Bernardo de Galvez cannot as yet send a correct account of their killed and wounded, as the English have been very careful to conceal it.

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*Translation of M. DE LA MOTHE PIQUET's account of an action with some English men of war, taken from the French paper, published at Cape Francois, 28th March, 1780.*

We began to look impatiently for the so long desired and expected arrival of M. de la Mothe Piquet, Chef d'Escadre, when on the 20th, a signal from the beacon announced a number of ships, which could not get in that day, but were known to be merchant vessels, from Martinico; this was confirmed upon their arrival the next day. We learned from them that the Amphitrite frigate had been sent to Porto Rico, and that the King's ships had parted from the convoy on Sunday the 19th, in order to give chase to some of the enemy's men of war. The public wish, warmed

ed from that moment for an engagement, which it was imagined must have been equally glorious as advantageous for us, because it was believed that the force was nearly equal, and the French Admiral was sufficiently known to encourage the most flattering hopes.

Thursday the 23d the public curiosity fed, buoyed up and augmented by the recital of all that had passed at the windward islands, was flattered at the sight of several ships that came in the same day; they proved to be the *Amphitrite* frigate, with four Spanish ships under her convoy.

The 24th and 25th, the general solicitude and expectation redoubled in proportion to the delay, which was every where explained in the most favourable manner, when at length, on Sunday morning, the 26th, the signals marked four of ours, or allies, ships of war, which came in the same day, and proved to be his Majesty's ships, the *Annibal*, of 74 guns; the *Diadem*, of 74; the *Reflechi*, of 64; and the *Amphion*, of 56 guns, composing the squadron of *Monf. de la Mothe Piquet*.

Upon the evening of the same day, an account of the action was spread abroad, the authenticity of which is no otherwise ascertained than by the exact conformity which appears in all the copies we have seen; the form and tenor is as follows:

" On Sunday the 19th of March, at eleven o'clock at night, *La Grange* bearing E. N. E. at seven leagues distance, we discovered three ships making signals to each other, upon which I ordered my signal to be made for the squadron to prepare for action, and for the merchant ships to get to windward and crowd sail in order to get into port.

" The 20th, at one o'clock in the morning, perceiving that these ships were standing to the N. W. I made the signal to chase, and at day-break

we clearly discovered three large ships of war (the *Lion*, *Bristol*, and *Janus*) and two small vessels (two privateers, the *Gayton* and —). we continued the chase with all sail set, but as there was little wind, we could not come within cannon shot until five o'clock in the evening, and with the *Annibal* only, which this day had the advantage in sailing over the other ships of the squadron; I began although alone, to engage the three enemy's ships until one o'clock in the morning, by which time they had gained upon me a little, and I had got nearer to our ships, particularly the *Diademe* and *Reflechi*, for the *Amphion* was still at a great distance, the former was near enough to support me by eleven o'clock and had fired several broadsides upon the enemy.

" At half past four o'clock in the morning, the *Diademe* and my ship began to renew the engagement, as also the *Reflechi*, but the dead calm we then had was so very unfortunate, that notwithstanding all our efforts to gain the weather gage of the enemy, we could not succeed, nor even get steerage way, although we got out our oars to bring our guns to bear. The enemy's ship, the *Janus*, nearest to us, being small and more easily worked, lay upon our quarter, and afterwards under our stern, from whence she did us considerable damage; I was wounded at this moment by a langrage shot of a pound weight, which struck me on the breast, but happily was almost spent; the wound has confined me to my bed; the surgeons give me hopes, that it will not be attended with dangerous consequences.

" A little breeze springing up, enabled us to stand towards our own ships, who did all that was possible to come up to cover us, without which we should have been surrounded by, and in the midst of the enemy's three ships. The *Reflechi* was

now



now near enough to support us, the Diademe and Amphion did not delay joining us, and engaging the enemy, who began to give way afresh; but a dead calm ensuing, prevented us from coming up. I took that opportunity to repair my damage. My officers and crew, upon this, as well as every other occasion, shewed the greatest bravery. The calm continued the remainder of the day, and as soon as the breeze permitted us to make sail, we began again to give chase to the enemy.

“ The 22d, by day-break, we were within cannon-shot and an half distance, with a fresh breeze at E. N. E. and I expected to join them in an hour at farthest, to renew the engagement, when we perceived four ships in chase of us. I continued the pursuit, however, for some time longer, in order the better to reconnoitre them; but at half past six o'clock, three of them were discovered to be ships of war. This superiority of strength did not permit my continuing the chase, without exposing to too great risque the force confided to my combat, I made the signal to my ships to haul their wind, and I determined to make the best of my way to the Cape. We were then off St. Nicholas Mole N. N. E. at ten leagues distance. One of the enemy's ships appeared to us to have been much damaged, having had her main topmast shot away; and making water fast. If I have not been fortunate enough on this occasion to take any of the enemy's ships, it was not my fault, nor that of my land or sea officers; they are equally above all praise, and were incessantly employed during the heat of the action to inspire the crew with a part of that valour which animates them.”

From this relation it should seem, that *the lot of M. de la Mothe Piquet was always to encounter difficulties, and to be awed by superior forces: but this action, whatever may be the*

*issue of it, must finally be productive of the most advantageous consequences to the colony, and will deliver us for some time from the presence of the enemy upon our coasts; it ought certainly to obtain for this Commander a new tribute of praise.*

The gout did not permit him to land immediately on his arrival, and thus concealed him from the applause of a numerous and grateful crowd, who consider it a duty, as well as a pleasure, to render justice to his merit, and whose sentiments for him are independent of the favours or caprice of fortune.

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*From the Paris Gazette, July 11, 1780.*

*Fort Royal in Martinico, May 28.*

His Majesty's squadron under the command of Count de Guichen, Lieutenant-general of the Naval Armies, arrived at Fort Royal on the 22d of March; some days were spent in landing the troops, stores, and ammunition destined for that colony, and to water the ships, and dispose the convoy to carry safely to St. Domingo the provisions and other necessities for the Leeward Islands.

The 12th of April the troops designed to be employed in the naval expeditions were embarked with their officers, and divided on board his Majesty's ships and frigates. These troops were draughted from the regiments Viennois, Champagne, Dillon, (Irish) Touraine, Walsh, (Irish) Auxerrois, and Enghien, the volunteer strangers of the marine, the regiment of Martinico, the volunteers de Bouillé, and the artillery companies. The chief officers under the command of the Marquis de Bouillé, were the Marquis de St. Simon, the Marquis de Chilleau, the Viscount de Damas, the Marquis de Livarot, the Count de Canillae, and the Count de Tilly.

The fleet sailed from Fort Royal Bay on the 13th of April, to protect  
a very

a very considerable convoy, that Count de Guichen had ordered to put to sea the night before, under the charge of the *Fier*, of 50 guns, Captain the Chevalier de Turpin de Breuil, and the *Boudeuse* frigate.

The King's fleet was composed of 22 sail; that of the enemy's at anchor at St. Lucia, was pretty nearly equal in number, but had the superiority in strength, by having two three-deckers, and more 74 gun ships; but it did not appear to Count Guichen a sufficient obstacle to attempt forming attacks again the enemy's possessions.

The English fleet under the command of Admiral Rodney, having made no motion to oppose the passing the convoy to St. Domingo, Count de Guichen steered to get to windward of Martinico, passing by the canal of Domingo, but the contrary currents were so strong, that it was two days before the fleet reached the canal; some ships, however, had gained it, when on the 16th, at seven in the morning, the *Iphegenie*, Capt. Count de Kersaint, who was in the rear of the fleet made the signal of seeing the English squadron. The Count de Guichen then made the signals for rallying, and for the line of battle; and did all in his power to get near the enemy, who was to windward, which did not permit the Count to attack them so soon as he could have wished. He then crowded sail to gain the windward of the enemy, but it was not till the 17th when Admiral Rodney resolved to accept the challenge, by bearing down on our line. At a quarter past one in the afternoon, the action began between our van and their rear. The main of the enemy was yet at a distance, and it was not till half an hour more that the ships next a-head of Admiral Rodney began to fire on the *Couronne*, in which the Count de Guichen was. The French General hoped the English Admiral

would meet him in the line, but he always kept a-stern of the *Couronne*, which made the Count de Guichen imagine his design was to cut off the French rear-guard. In effect, Admiral Rodney manœuvred so as to execute that plan, and attempted to pass through a great vacancy which the great yawing of the *Actionnaire* of 64 guns left in our line, and had already doubled one of our ships, when Count de Guichen made signal for the rear to tack with the wind a-stern, and came up in the same moment to cut off himself the English line: but Admiral Rodney did not give him time, and hastened to get back to his station, as soon as he saw Count de Guichen come up to attack him; the French General did the same and hauled down the signal for the fleet to tack.

The two fleet being then on the same tack Count de Guichen then expected the English Admiral would, at length, engage him; but that officer, in the *Sandwich* of 98 guns, constantly remained a little before the *Palmier*, Captain the Chevalier de Montrel, Count de Guichen's rear second; and the *Couronne* could only bring part of her guns to bear on the *Sandwich*. The *Sphinx*, Captain the Count de Soolanges; and the *Artesien*, Capt. Chevalier de Peynier, were engaged with the two largest ships of the enemy's line, one of which was the *Princess Royal* of 98 guns, and three decks, and stood such a superior fire with great firmness for above an hour, till the *Robuste* of 74, commanded by the Count de Grasse, Commodore of the blue squadron, to which those two ships belonged, tacked, and came to their assistance, and disengaged them.

The Count de Guichen flattered himself that the action would become more decisive, but his leeward situation did not leave him any means of forcing the enemy, who had solely the power of pushing the battle on with

with vigour, or of slackening it. The French General's surprize was extreme, when at half past four he saw Admiral Rodney set his main sail, and hawl his wind, with his whole fleet. Half an hour after we saw the mizen top-mast of the Sandwich, who appeared much damaged, to fall; and then saw the Admiral's flag shifted to another ship. Our fleet kept out lights all night, and fired signal guns. But at day-break of the 18th the enemy's fleet was out of sight, and appeared no more till the 19th, when we saw it to leeward.

The Count de Guichen then resolved to put the wounded ashore at Guadaloupe, which was done whilst the fleet continued under sail.

On the 20th we saw the English fleet to leeward of Guadaloupe. On the 21st and 22d our fleet strove to bring on a second action, but as the enemy seemed determined not to accept it, our General, in concert with the Marquis de Bouillé, resolved to beat up to windward of the islands, by the north of Guadaloupe, to attempt other expeditions, which appeared to be practicable.

The enemy having already replaced at St. Christopher's and Antigua the garrisons which they had embarked for the enterprize they designed against Grenada. The equality of strength of the two fleets, and those regular sieges, which were necessary for the conquest of these islands—the French General, therefore, resolved to get up to Martinico, and after having passed by the channel of St. Lucie, to attempt taking post at Gros Islet.

On the 5th of May the fleet came in sight of Martinico.

On the 7th the Marquis de Bouillé went on board the *Courageuse* frigate, and 600 grenadiers were divided into four frigates; at nightfall this light squadron made sail for St. Lucie. The fleet followed the frigates to get to the opening of the channel by day-break.

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The 8th in the morning the *Chasseur* lugger, Capt. Chevalier de St. George, who led the van of this little squadron, discovered the enemy's fleet at anchor at Gros Islet. We then quitted the design of taking post there, and got ready for action. The Count de Guichen then plied off and on in sight of the English fleet, to engage them to quit the channel, and come to action as soon as they should be at large. But Admiral Rodney did not come out. Our General thinking he could not incite him to it, brought up the whole fleet, and pursued him for three days, with the wind abast. The fleets were then got to the southward of St. Lucie. The Count de Guichen then tacked to the north, with the wind at east; but the following day it fell off to the south-east, and south-south-east.—This change gave the enemy the advantage of the wind, without which they seemed determined not to accept a battle, which would have been decisive if our fleet had been windward.

This position having, on the 15th, brought the van of the enemy to windward of the French van, the Count de Guichen suffered it to engage; and although night was near, he tacked the fleet, with the design of cutting off the enemy's van, or at least making it give way. This manœuvre succeeded, and a part of the two fleets engaged board and board. The action began at seven o'clock, but it was too late when the engaged ships were not able to continue it, to make the whole fleet wear: the nearness of the two lines rendered that manœuvre too hazardous, by the confusion that might follow, for either of the two fleets to risque it.

The Count de Guichen continued on the tack to the northward, to weather Martinico, until the 19th. If during that interval the enemy had crowded sail, and profitted of the

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changes

changes of the wind, they might have got the wind of our fleet; but it appeared their design was only to keep us in view.

On the 19th in the morning, the English fleet was at South West half west, about four or five leagues distant from our fleet. It then seemed willing to gain the wind of us, and crowded sail. We did not increase our sail, to give the English hopes of getting the wind, and thus engaging us, as they had constantly avoided an action when to leeward. At half past two the Count de Guichen, seeing that then the enemy could not avoid a battle, except by giving way entirely, ordered his headmost ships to steer so as to pass before the leader of the English van, to bear on it, and bring it to action.

At half past three the firing began between the two headmost ships of the two vans. The English were forced to come up to leeward; the action then began to be general between the two lines, but at half past four the headmost French ships having gone more large in order to fight closer, and the others having followed in their wakes, the General made the signal to rally, and hold the wind, so that they might come up all together, and form the line to windward of the enemy, if they had a design to tack on our rear.

At three quarters past four, several English ships having tacked, and coming full sail on the last ships of our line, the Count de Guichen made the white squadron tack all together, with the wind afore; then the blue squadron tacked, and he let the white and blue squadron hold

their way, some of whose ships were still engaged. This order was scarcely executed by the white squadron, when nine of the English ships wore and joined their squadrons.

At half past five o'clock, our fleet presented itself afresh in good order; and the enemy's bearing down to their leewardmost ships, got at length into a line.

At a quarter past six, the two fleets were ranged in two lines, nearly parallel, about two gun-shot asunder; but during the night, the English, according to custom, bore away large, and, at day-break on the 20th, they were two leagues to leeward. They continued going large, and at half past three in the afternoon we could only see their top-masts. The 21st we had quite lost sight of them, and judging they were gone to St. Lucie, or Barbadoes, the Count de Guichen made sail for Martinico.

It appears that the enemy's van-guard was much hurt. News has come from St. Lucie that four of their ships got in almost wrecks, and a fifty totally unfit for service. The rest of the English fleet retired to Barbadoes.

The French fleet having no more than six days water left, anchored on the 22d at Fort Royal.

The Count de Guichen gives infinite praise to the manner in which the ships fought, and to each Captain in particular; also the greatest encomiums on the conduct and bravery of the staff officers of the ships and troops; also on the firmness of the crews, which could be equalled only by that of the soldiers on board, in all the three actions.

#### LINE of BATTLE of the French Fleet.

##### *Blue and White Squadron, or Van.*

|               |   |   |    |                                 |
|---------------|---|---|----|---------------------------------|
| Le Destin     | - | - | 74 | Comte du Maitz Goinpy           |
| Le Vengeur    | - | - | 64 | Chev. de Retz                   |
| Le St. Michel | - | - | 60 | d'Aymar                         |
| Le Pluton     | - | - | 74 | Ch. de la Marthonie             |
| Le Triomphant | - | - | 80 | Comte de Sade, <i>Commodore</i> |

Le

|                                      |   |   |    |                                    |
|--------------------------------------|---|---|----|------------------------------------|
| Le Souverain                         | - | - | 74 | Chev. de Glandevez                 |
| Le Solitaire                         | - | - | 64 | Comte de Cice-Champion             |
| Le Citoyen                           | - | - | 74 | Marquis de Nieuil.                 |
| <i>White Squadron, or Main Body.</i> |   |   |    |                                    |
| Le Caton                             | - | - | 64 | Le Comte de Framond                |
| La Victoire                          | - | - | 74 | Le Chev. d'Albert-Saint-Hypolite   |
| Le Fendant                           | - | - | 74 | Marq. de Vaudreuil                 |
| La Couronne                          | - | - | 80 | Comte de Guichen, <i>General</i>   |
| Le Palmier                           | - | - | 74 | Chev. de Monteil                   |
| L'Indien                             | - | - | 64 | Chev. de Balleroy                  |
| L'Actionnaire                        | - | - | 64 | l'Archantel                        |
| <i>Blue Squadron, or Rear Guard.</i> |   |   |    |                                    |
| L'Intrepide                          | - | - | 74 | Dupleffis-Parfcault                |
| Le Triton                            | - | - | 64 | De Boades                          |
| Le Magnifique                        | - | - | 74 | Chevalier de Brach                 |
| Le Robuste                           | - | - | 74 | Comte de Grassie, <i>Commodore</i> |
| Le Sphinx                            | - | - | 64 | Comte de Soulanges                 |
| Le Dauphin Royal *                   | - | - | 74 | Mithon de Genouilly                |
| L'Artesien                           | - | - | 64 | Chev. de Peynier                   |
| L'Hercule                            | - | - | 74 | Comte d'Aimblimont                 |
| <i>Frigates.</i>                     |   |   |    |                                    |
| La Resolue                           | - | - | -  | Chev. de Ponteves Gyen             |
| L'Iphigenie                          | - | - | -  | Comte de Kersaint                  |
| La Courageuse                        | - | - | -  | Ch. de la Rigaudiere               |
| La Medee                             | - | - | -  | Marq. de Kergariou                 |
| La Gentille                          | - | - | -  | De la Villebrune                   |
| La Ceres, corvette                   | - | - | -  | Marq. de Traverfay                 |
| Le Chasseur, lougre                  | - | - | -  | Ch. de Saint Georges               |
| Le Lively, cutter                    | - | - | -  | Pommelee.                          |

11 Officers killed, and 28 wounded.

Subaltern officers and soldiers, 59 killed, and 196 wounded.

Of the crews of the different ships, 88 men killed, and 596 wounded.

Total killed, 158.

Ditto wounded, 820.

### *The Crisis, No. VIII.*

*Addressed to the People of England, by the Author of Common Sense.*

The people of America by anticipating distress had fortified their minds against every species you could inflict. They had resolved to abandon their homes, to resign them to destruction, and to seek new settlements rather than submit. Thus familiarized to misfortune, before it arrived, they bore their portion with the less regret. The justness of their cause was a continued source of con-

folation, and the hope of final victory, which never left them, served to lighten the load, and sweeten the cup allotted them to drink.

But when their suffering shall become your's, and invasion be transferred upon the invaders, you will have neither their extended wilderness to fly to, their cause to comfort you, nor their hopes to rest on. Distress with them was sharpened by no self-reflection. They had not brought it on themselves. On the contrary, they had by every pro-

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ceeding

\* This ship was not in the first action, as she was then repairing at Fort Royal, but was in the two others.

ceeding endeavoured to avoid it, and had descended even below the mark of congressional character to prevent a war. The national honour or the advantages of independence were matters, which, at the commencement of the dispute, they had never studied, and it was only at the last moment that the measure was resolved on. Thus circumstanced, they naturally and conscientiously felt a dependence upon Providence. They had a clear pretension to it, and had they failed therein, infidelity had gained a triumph.

But your condition is the reverse of theirs. Every thing you suffer, you have sought; nay, had you created mischiefs on purpose to inherit them, you could not have secured your title by a firmer deed. The world awakens with no pity at your complaints. You felt none for others; you deserve none for yourselves. Nature does not interest herself in cases like your's; but, on the contrary, turns from them with dislike, and abandons them to punishment. You may now present memorials to what Court you please, but so far as America is the object, none will listen. The policy of Europe, and the propensity there is in every mind to curb insulting ambition, and bring cruelty to judgment, are unitedly against you; and where nature and interest reinforces each other, the compact is too intimate to be dissolved.

Make but the cases of others your own, and your own theirs, and you will then have a clear idea of the whole. Had France acted towards her Colonies as you have done, you would have branded her with every epithet of abhorrence; and had you like her stepped in to succour a struggling people, all Europe must have echoed with your own applauses. But entangled in the passion of dispute, you see it not as you ought, and form opinions thereon which suit with no interest but your own. You

wonder America does not rise in union with you to impose on herself a portion of your taxes, and reduce herself to unconditional submission. You are amazed that the Southern Powers of Europe do not assist you in conquering a country which is afterward to be turned against themselves; and that the Northern ones do not contribute to reinstate you in America, who already enjoy the market for naval stores by this reparation. You seem surprized that Holland does not pour in her succours to maintain you mistress of the seas, when her own commerce is suffering by your act of navigation, or that any country should study her own interests while your's is on the carpet.

That America is beyond the reach of conquest, is a fact which experience has shewn, and time confirmed; and this admitted, what, I ask, is now the object in contention? If there be any honour in pursuing self-destruction with inflexible passion; if national suicide be the perfection of national glory, you may, with all the pride of criminal happiness, expire unrivalled. But when the tumult of war shall cease, and the tempest of present passions be succeeded by calm reflection, or when those who survive its fury, shall scarcely be able to discharge the interest of the one, and no possible remedy be left for the other; ideas, far different to the present, will arise, and embitter the remembrance of former follies. A mind disarmed of its rage, feels no pleasure in contemplating a frantic quarrel. Sickness of thought, the sure consequence of conduct like your's, leaves no ability for enjoyment, no relish for resentment; and though like a man in a fit, you feel not the injury of the struggle, nor distinguish between strength and disease, the weakness will nevertheless be proportioned to the violence; and the sense of pain increase with the recovery.

To what person, or to what system of politics you owe your present state of wretchedness is a matter of total indifference to America. They have contributed, however unwillingly, to set her above themselves; and she, in the tranquility of conquest, resigns the enquiry. The case now is not so properly who began the war, as who continues it. That there are men in all countries to whom a state of war is a mine of wealth, is a fact never to be doubted. Characters like these naturally breed in the putrefaction of distempered times, and after fattening on the disease, they perish with it, or, impregnated with the stench, retreat into obscurity.

But there are several erroneous notions to which you likewise owe a share of your misfortunes, and which, if continued, will only increase your trouble and your losses. An opinion hangs about the gentlemen of the minority, that America would relish measures under their administration, which she would not from the present cabinet. On this rock Lord Chatham would have split, had he gained the helm; and several of his survivors are steering the same course. Such distinctions in the infancy of the argument had some degree of foundation, but they now serve no other purpose than to lengthen out a war, in which the limits of the dispute being fixed by the fate of arms, and guaranteed by treaties, are not to be changed or altered by trivial circumstances.

The ministry and many of the minority sacrifice their time in disputing on a question, with which they have nothing to do, namely, Whether America shall be independent or not? Whereas the only question that can come under their determination, is, Whether they will accede to it or not? They confound a military question with a political one, and undertake to supply by a vote, what they lost by a battle. Say, she shall not

be independent, and it will signify as much as if they voted against a decree of Fate; or say, that she shall, and she will be no more independent than before. Questions, which when determined, cannot be executed, serve only to shew the folly of dispute, and the weakness of disputants.

From a long habit of calling America your own, you suppose her governed by the same prejudices and conceits which govern yourselves. Because you have set up a particular denomination of religion to the exclusion of all others, you imagine she must do the same; and because you have cherished an unsocial narrowness of mind, against France and Spain, you suppose her alliance must be defective in friendship. Copying her notions of the world from you, she formerly thought as you instructed; but now feeling herself free, and the prejudice removed, she thinks and acts upon a different system. It frequently happens, that in proportion as we are taught to dislike persons and countries not knowing why, we feel an ardour of esteem upon a removal of the mistake: it seems as if something was to be made amends for, and we eagerly give in to every office of friendship, to atone for the injury of the error.

But perhaps there is something in the extent of countries, which among the generality of people, insensibly communicates extension of the mind. The soul of an Islander, in its native state, seems bounded by the foggy confines of the water's edge, and all beyond affords to him matters only for profit or curiosity, not for friendship. His island is to him his world, and fixed that his every thing centers in it; while those, who are inhabitants of a continent, by casting their eye over a large field, take in likewise a larger intellectual circuit, and thus approaching nearer to an acquaintance with the universe, their atmosphere

atmosphere of thought is extended, and their liberality fills a wider space. In short, our minds seem to be measured by countries when we are men; as they are by places, when we are children; and until something happens to disentangle us from the prejudice, we serve under it without perceiving it.

In addition to this, it may be remarked, that men who study any universal science, the principles of which are universally known, or admitted, and applied without distinction to the common benefit of all countries, obtain thereby a larger share of philanthropy than those who only study national arts and improvements. Natural philosophy, mathematics, and astronomy, carry the mind from the country to the creation, and give it a fitness suited to the extent. It was not Newton's honour, neither could it be his pride, that he was an Englishman; but that he was a philosopher: the Heavens had liberated him from the prejudices of an island, and science had expanded his soul as boundless as his studies.

*Boston, April 24.* According to some paragraphs in the London papers, Congress is convulsed—the paper currency is stopped—all America is in a mob—Washington is dead—and the United States are gathering in a body to surrender themselves to the mercy of General Clinton.

Last Monday died Mr. Christopher Monk, who has been long languishing of the wounds he received on the evening of the 5th of March, 1770—an evening which will be ever memorable for the most wanton and cruel massacre that ever disgraced human nature. Those who then fell, may be justly styled the Martyrs in the cause of America, whose blood stimulated their fellow-citizens to those glorious exertions, whereby two British regiments were driven out of this metropolis, and such a spirit

raised through this and the other states, as greatly contributed to the present independency of the Colonies.

*Norwich, April 27, (in Connecticut)* This year's campaign seems to be fraught with interesting events. When we look to Europe, we there behold the contending parties becoming more and more serious in their determinations. Formidable preparations are making equally so by Britain, as well as all the other belligerent powers. When we turn our eyes to the West India islands, we there see the same dexterous game playing. Again, when we look to Gibraltar, we find that Britain intends to use her most strenuous efforts in keeping possession of that very important fortress; and on the other hand, Spain appears to be determined to reduce it under her dominion.

The United Provinces, during the contest, have manifested a friendly disposition to these United States: on viewing the obligations they are under to the English nation, and the terms of treaty entered into at the last peace, the inference is plain that they do not mean to take an active part in favour of Britain, else they would have done it before this time. The taking of sundry Dutch vessels, by the English, of late, will pave the way to some happy overture.—The capital power of Russia (notwithstanding the boasts of Britain, that she would, at first asking, lend her assistance to crush the rebellious Americans) conducts herself in a manner highly foreboding a desire that America may be rendered free and independent; nay, it is so manifestly the interest of all the European powers to have such an event to take place, that we may justly say (as Lord North weepingly confessed in the House of Commons) *Britain is left without an ally.* The Carolinas will be the seat of war this summer. Perhaps the

enemy



enemy may think it will deserve the name of an important achievement; by falling out in parties upon our defenceless towns on the sea coast; but it would be well for them to remember it is possible that the expence will not compensate for the advantages that they may think to gain thereby.

*At a General Assembly of the Governor and Company of the State of Connecticut, in America, holden at Hartford (by special order of the Governor) on the 13th day of April, Anno Domini, 1780:*

*An Act for establishing of public credit, and to provide for the exigencies of the State:*

Whereas his Excellency the Governor has communicated to this General Assembly an Act or Resolution of the Honourable Congress of the United States, passed the 18th day of March, 1780, in the words following, that is to say,

“ In CONGRESS, March 13, 1780.

“ These United States having been driven into this just and necessary war, at a time when no regular civil Governments were established of sufficient energy to enforce the collection of taxes, or to provide funds for the redemption of such bills of credit as their necessities obliged them to issue, and before the powers of Europe were sufficiently convinced of the justice of their cause, or of the probable event of the controversy, to afford them aid or credit. In consequence of which, their bills increasing in quantity beyond the sum necessary for the purpose of a circulating medium, and wanting, at the same time, specific funds to rest on for their redemption, they have seen them daily sink in value, notwithstanding every effort that has been made to support the same; insomuch, that they are now passed by common consent in most parts of these United States, at

least thirty-nine fortieths below their nominal value, and still remain in a state of depreciation, whereby the community suffers great injustice, the public finances are deranged, and the necessary dispositions for the defence of the country are much impeded and perplexed: and as effectually to remedy these evils, for which purpose the United States are now become competent, their independence being well assured, their civil Government established and vigorous, and the spirit of their citizens ardent for exertion; it is necessary speedily to reduce the quantity of the paper medium in circulation, and to establish and appropriate funds, that shall ensure the punctual redemption of the bills.

“ Therefore

“ Resolved, That the several States continue, to bring into the Continental Treasury, by taxes or otherwise, their full quotas of fifteen millions of dollars, monthly, as assigned them by the resolution of the 7th of October, 1775, a clause in the resolve of the 23d of February last, for relinquishing two-thirds of the said quotas to the contrary notwithstanding; and that the States be further called on to make provision for continuing to bring into the said Treasury their like quotas monthly, to the month of April, 1781, inclusive.

“ That silver and gold be receivable in payment of the said quotas, at the rate of one Spanish milled dollar in lieu of forty dollars of the bills now in circulation.

“ That the said bills as paid in, except for the months of January and February past, which may be necessary for the discharge of past contracts, be not re-issued, but destroyed.

“ That as fast as the said bills shall be brought in to be destroyed, and funds shall be established as hereafter mentioned for other bills,

other

other bills be issued, not to exceed, on any account, one twentieth part of the nominal sum of the bills brought in to be destroyed.

"That the bills which shall be issued, be redeemable in specie, within six years after the present, and bear an interest at the rate of five per cent. per annum, to be paid also in specie at the redemption of the bills, or at the election of the holder annually, at the respective Continental Loan-Offices, in sterling bills of exchange, drawn by the United States, or their Commissioners in Europe, at four shillings and sixpence sterling per dollar.

"That the said new bills issue on the funds of individual States for that purpose established, and be signed by persons appointed by them, and that the faith of the United States be also pledged for the payment of the said bills, in case any State on whose funds they shall be emitted, should, by the events of war, be rendered incapable to redeem them; which undertaking of the United States, and that of drawing bills of exchange for payment of interest, as aforesaid, shall be indorsed on the bills to be emitted, and signed by a Commissioner to be appointed by Congress for that purpose.

"That the face of the bills to be emitted, read as follows, viz.

"The possessor of this bill shall be paid Spanish milled dollars, by the thirty-first day of December, 1786, with an interest in like money, at the rate of five per cent. per annum, by the State of \_\_\_\_\_, according to the Act of the Legislature of the said State, of the \_\_\_\_\_ day of \_\_\_\_\_, 1780."

"And the indorsement shall be as follows, viz.

"The United States ensure the payment of the within bill, and will draw bills of exchange for the interest annually, if demanded, accord-

ing to a resolution of Congress of the 18th day of March, 1780."

"That the said new bills shall be struck under the direction of the Board of Treasury, in due proportion for each State, according to the said monthly quotas, and lodged in the Continental Loan-Offices, in the respective States, where the Commissioners to be appointed by Congress, in conjunction with such person as the respective States appoint, shall attend the signing of the said bills, which shall be compleated no faster than in the aforesaid proportion of one to twenty of the other bills brought in to be destroyed, and which shall be lodged for that purpose in the said Loan-Offices.

"That as the said new bills are signed and compleated, the States, respectively, on whose funds they issue, receive six tenths of them, and that the remainder be subject to the orders of the United States, and credited to the States on whose funds they are issued, the accounts whereof shall be adjusted agreeably to the resolution of the sixth of October, 1779.

"That the said new bills be receivable in payment of the said monthly quotas, at the same rate as aforesaid of specie, the interest thereon to be computed to the respective States, to the day the payment becomes due.

"That the respective States be charged with such parts of the interest, on the said bills, as shall be paid by the United States in bills of exchange, and the accounts thereof shall be adjusted agreeably to the resolution aforesaid of the 6th of October, 1779.

"That whenever interest on the bills to be emitted shall be paid, prior to their redemption, such bills shall be thereupon exchanged for other of the like tenor, to bear date from the expiration of the year, for which such interest is paid.

"That

“ That the several States be called on to provide funds for their quotas of the said new bills, to be so productive as to sink or redeem one sixth part of them annually after the first day of January next.

“ That nothing in the foregoing resolutions shall be construed to ascertain the proportions of the expence incurred by the war, which each State, on a final adjustment, ought to be charged with, or to exclude the claims of any State to have the prices at which different States have furnished supplies for the army hereafter taken into consideration, and equitably adjusted.

“ That the foregoing resolutions, with a letter from the President, be dispatched to the executive of the several States, and that they be requested to call their Assemblies, if not already convened, as speedily as possible, to take them into immediate consideration, to establish ample and certain funds for the purposes therein mentioned, and to take every other measure to carry the same into full and vigorous effect, and that they transmit their acts for that purpose to Congress without delay.”

And whereas, although this Assembly, at their session in January last, did not then apprehend, as (appears by their public act) that the bills of the common currency of the United States had depreciated more than twenty-nine thirtieths below the nominal value in this State, yet, as in the judgment of the Congress, the mean discount of the said currency within the United States was not, on the 18th day of March last, less than thirty-nine fortieths below the nominal value of the said bills. This Assembly do therefore approve of Congress having ascertained the discount of said bills, upon the general principles mentioned in their said act. And whereas, this Assembly are fully convinced of the expen-

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diency of having the said bills called in and destroyed, and also of the necessity of having the public credit established upon just and permanent principles, which this Assembly are confident will be fully effected, in case the measures recommended by Congress to the several States shall be adopted by them.

This Assembly, confiding in the justice of the United States, that the said bills of public credit, recommended by Congress, in their said act of the 18th of March last, to be funded upon the faith of this State, and redeemable according to the said act. And also that the bills of the common currency, which Congress, by their said act of the 18th of March, referring to their act of the 7th of October, 1779, have recommended to this State to call in and cancel, which requisitions of Congress do, in these instances, constitute an over proportion of the common debt belonging to this State, but which Congress, in present circumstances, have judged it necessary to make; but, as this Assembly are fully persuaded, that whatever greater share, than a just proportion of public burden, in these instances shall be borne by this State, will hereafter be equitably considered by Congress — DO THEREFORE DECLARE, that they will, as fast as the circumstances of this State will admit, call in and deliver to be destroyed, so many of the bills of the common currency of the United States, as Congress, by their said act of the 18th of March, have requested this State to call in and cancel. And that this Assembly will establish and appropriate certain and sufficient funds to redeem the bills of public credit, which Congress, by their said act of the 18th of March, have requested might be issued upon the faith and authority of this State.

Therefore, be it enacted; and it is enacted by the Governor, Council, and Representatives,

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*Representatives, in General Court assembled, and by the authority of the same,* That to redeem the bills of public credit, *in specie*, according to the terms of said act of Congress of the 18th of March last; which bills this assembly hereby order to issue, upon the faith of this State, the following funds be, and they hereby are established and appropriated for the sole purpose of redeeming said bills, according to the true intent and meaning of said act of Congress. And therefore this assembly grant that a tax be, and the same is hereby granted, on the polls and rateable estates of the inhabitants of this State, on the list which shall be brought into the General Assembly in the year 1780, of seven-pence\*, lawful money, on the pound payable to the Treasurer of this State, on the 31st day of December, which will be in the year of our Lord, 1781.

And that five other taxes be, and the same are hereby granted on the polls and rateable estate of the inhabitants of this State, of seven-pence, lawful money, on the pound, on each respective list, which shall be brought into the General Assembly of this State, in and from the year 1781, to the year 1785, inclusive. Each of which five last mentioned taxes, shall be paid yearly to the Treasurer of this State, on the 31st day of December, in every year, in and from the year 1782, to the year 1786, inclusive.

Which respective taxes shall be paid in any of the bills of public credit which shall, and by this act are ordered to be issued upon the

faith of this State, or in bills which shall issue upon the faith, and under the authority of any of the United States, agreeable to said act of Congress of the 18th of March last, or in Spanish milled dollars, computing each dollar at six shillings lawful money, or in other lawful current coins of gold and silver in that proportion. And that the Treasurer be, and is hereby directed, seasonably to issue his warrants, to collect each of the aforesaid taxes, agreeable to this act.

That as fast as any of the said bills, which shall issue upon the faith of this state, shall be collected by any of said taxes, and brought into the Treasury, they shall be destroyed by such persons as the General Assembly of this State shall appoint for that purpose: and that if any bills of public credit shall be collected into the hands of the Treasurer, which have issued upon the faith of any of the United States, agreeable to said act of Congress, it shall be the duty of the Treasurer to exchange them for such bills of this State as aforesaid, which shall be in possession of any public Treasurer of any of the United States, and he shall also observe any other mode of exchange for the bill of this State, as aforesaid, as he shall hereafter be directed by the General Assembly of this State.

That all the specie, or so much thereof as shall be necessary, which shall be collected and paid to the Treasurer, in any of the said taxes, be, and the same is hereby appropriated, to redeem the said bills issued upon the credit of this State,

\* This tax, remarkably low as it is for a country so many years at war, will, at the end of six years (the time limited by the law) overpay the present debt of the State of Connecticut, fifty thousand pounds of their lawful money: the tax is rendered still lower by the mode of assessment, for in Connecticut they do not rate property as in others of the States, by appointed assessors, but by a method prescribed by law, which is so generally favourable to the people, as to reduce the tax to not more than a penny in the pound upon the real value of estates.

as aforesaid, which shall not otherwise be collected into the hands of the Treasurer, and destroyed as aforesaid. And that the Treasurer of this State be, and he is hereby directed to pay the specie, which shall be so collected, to the possessors of such bills, as shall have issued as aforesaid, upon the credit of this State, whenever they shall make application therefore, after the 31st day of December, which shall be in the year of our Lord, 1786.

That William Pitkin, George Wylls, Benjamin Payne, Esquires, and Mr. William Lawrance, be a Committee to sign said bills in behalf of this State, and that none of said bills be signed by less than two of the said Committee. That it shall be the duty of the said Committee as fast as said bills shall be signed and compleated, according to said act of Congress, to deposit six tenths of them in the hands of the Treasurer of this State, for the use of this State, and to leave or deposit four tenths of said bills in the hands of the Loan Officer of the United States, in this State, to be subject and liable to the draughts and orders of Congress. And said Committee are hereby directed, that in transacting said business, they do not at any time leave, have, or deposit more of said bills, compleated as aforesaid, than according to the above proportion, either in the hands of said Treasurer or Loan Officer, as aforesaid, and that said Committee take proper receipts of said Treasurer and Loan Officer, for all such bills as shall be so compleated and left and

deposited with them, and lodge the same with the Secretary; and that the Treasurer be, and he is hereby directed to deliver and pay out such bills as shall be so compleated and deposited with him, according to law.

*And be it further enacted by the authority aforesaid,* That a tax be, and hereby is granted on the polls and rateable estate of the inhabitants of this State, of twelve shillings on the pound, in bills of the common currency of the United States, on the 1st 1779, payable to the Treasurer of this State, on the first day of September next: and the Treasurer is hereby directed to issue his warrant to collect said tax accordingly; which bills, when collected and paid into the hands of the Treasurer, shall not re-issue, but shall be destroyed.

*Provided nevertheless,* That any person charged in any taxes, for bills of the common currency of the United States, shall have liberty to discharge the same, by paying one fortieth part thereof in gold and silver coin, as aforesaid, or in bills of public credit, which have or shall issue upon the faith of this, or any of the United States, agreeably to said act of Congress of the 18th of March last, or in any bills of public credit, issued by virtue of an act of the General Assembly of this State, passed the sixth day of January last, any law to the contrary notwithstanding.

*And is it hereby further provided,* That if any person, possessed of any of the bills of public credit, ordered to be emitted by the General Assembly, at their Sessions in January last,

† It is necessary to inform the English reader, that the State of Connecticut, in order to put their paper money on a better footing, had emitted, upon the sole credit of that State, a sum in dollars equal to thirty thousand pounds English, by an act passed in January, 1780; which emission, with the assistance of a loan was meant to establish the rate of depreciation for the then circulating paper, at thirty for one; but the resolution of Congress of the 18th of March, 1780, appearing before this act went into effect, it was thought adviseable, as a manifest advantage to the State generally, to check this loan and recall the emission.

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will apply to the Treasurer of this state, to have such bills exchanged for bills of public credit, which by this act are ordered to be issued, upon the faith of this state, agreeable to said act of Congress of the 18th of March, such person, so applying, shall have such bills exchanged; and the Treasurer is hereby directed to exchange the same accordingly, when he shall be furnished with said bills.

And the Treasurer is also hereby further directed, that whenever he shall receive by exchanges, taxes, or in any payment, any of said bills, ordered to be emitted by said Act of Assembly of the 6th of January last, that he do not in any case re-issue the same, but retain them in his hands to be destroyed.

*Be it further enacted by the authority aforesaid,* That so much of an act of the General Assembly of this state, passed at their session in January last, proposing to borrow on the credit of this state, one million pounds of the bills of the common currency of the United States, be repealed, and the same is hereby repealed, and made null and void.

A true copy of record, examined by  
GEORGE WYLLYS, Secretary.

*A Supplement to the Observations on the Justifying Memorial of the Court of London. See Page 201 of last volume (translated from the copy printed by authority at Paris.)*

In the exposition of the facts, which have forced his Majesty to make use of reprisals, and to display his maritime forces against England, it was not thought necessary to unfold the whole detail of the imperious and arbitrary conduct of the court of London, in the East Indies, where a profound peace, and the faith of treaties, should have secured unto France the peaceable enjoyment of her territorial possessions, and the commerce it had preserved in those climates. In the observations which contain an answer to the Justifying

Memorial of that Court, the violences since committed in that part of the globe upon all the French settlements, invaded by the English troops before any hostilities commenced in Europe, could have been exposed to greater advantage. If these details have been neglected, it has not proceeded from a persuasion that they would not offer a striking contrast between the pacific intentions of the Most Christian King and the ambitious views of England. In fact, these repeated and offensive acts at that period, evidently prove, that his Britannic Majesty did not cause the French possessions to be attacked, until after a premeditated design to begin the war; or, after having been fully convinced that the King's patience and moderation could hold out no longer against his repeated infractions, his indiscreet pretensions, and his accumulated denials of justice. But his Majesty, deceived until this moment by the sentiments of equity, of which he has given repeated proofs, did not attribute to premeditated orders of the Court of London, hostilities which, perhaps, might have been hazarded by the agents of a Company which reigneth arbitrarily in the East-Indies. He persuaded himself that that Court would not avow the transactions of her subjects, but in repairing (at least by a tardy disapproving) such reprehensible excesses: the King would even forbear to bring them now to the recollection of Europe, if some particular reasons did not make it necessary thus publicly to expose the conduct of England towards one of his officers, who formerly commanded at Chandernagor.

This officer, forced to quit a place where the attack was unforeseen, and the defence impossible, took refuge under the protection of a Sovereign whom the English arms and policy have not subdued. But the peace had been violated, hospitality was therefore no more

more respected. The French Commander, a victim of seduction, was taken with violence from an asylum, which neutrality should have rendered sacred; and, in order to cover such a culpable violation with some apparent formalities, it was attempted to declare him a prisoner, and to make him subject to all the laws which the war only imposes to disarmed enemies, just as if the effect of an illegal transaction could be more lawful than its cause, and should not be included in the nullity which justice and the law of nations and of war pronounce against so manifest an usurpation. When, by his Majesty's orders, such series of irregular proceedings were laid before the Court of London, far from giving that immediate satisfaction which might justly be expected, no answer was given to the dispatches, though the receiving of them was acknowledged. This silence of the Court of Great Britain has, at last, determined his Majesty to expose this particular affair in the clearest light, to justify the order which he has given to the *Sieur Chevalier* not to quit his dominions.

*A letter from the *Sieur Le Hoc*, one of the Chief Commissioners of the Board of Admiralty, authorized by his Majesty to correspond with the Commissioners appointed by the King of England,*

*Versailles, February 1, 1780.*

Gentlemen,

You have been informed of the reduction of Chandernagor, where Mr. Chevalier commanded for his Majesty. I shall say nothing here of the epocha in which this unexpected invasion was undertaken, when not the least hostility existed between the two nations; though this observation, which has been fully noticed by all Europe, might give great weight to my complaints; the force of my other arguments render useless that reflection, which would make me enter

into a political discussion, to which I am not authorized; the affair of Mr. Chevalier only is the subject of my letter.

As I am ignorant if, in the relations that have been sent to your Court upon that expedition, the facts have been stated with that truth due to Sovereigns; I shall in a few words recall them to your memory; and such is the evidence they bear, that it would be difficult to refute it.

The 10th of July, 1778, a corps of English troops, commanded by Colonel Dow, invested the garden named Garathy, where Mr. Chevalier resided. This Commander, being personally pursued, endeavoured to avoid falling into the hands of the King's enemies, who were now become his; he escaped, and after eight days march amidst dangers, he quitted Bengal, and arrived in the town of Catek, in the province of Orixá, dependent on the Raja Maratta of Naguepoor, and at the distance of eighty leagues from Bengal.

He was kindly received by the Governor of that province, was lodged in the fort, and received assurances of the Sovereign's protection. One Mr. Elliot, deputed by the English, seduced the Governor by presents, and intimidated him by threats; about six hundred thousand roupées were the price of his infidelity, which has since been punished by his master; and Mr. Chevalier was conducted to Calcutta. The Council tendered him an act, by which he was to acknowledge himself a prisoner of war; and to engage on his word of honour not to return to the East-Indies, nor beyond the Cape of Good Hope, as long as the war should last, even though he should be exchanged by a cartel between the two Crowns. This imperious and insolent Act was rejected with all the disdain it merited: another was substituted, of which a copy is inclosed in this dispatch (under No. 1.) The letter

letter of Mr. Chevalier (No. 2.) presents the strongest objections against that engagement, and the answer of the Council (No. 3.) cannot invalidate their solidity. The French Governor, had but this alternative, either to remain many years at Calcutta, useless to his country and himself, under the weight of a hard captivity, or to sign an act dictated by the most revolting injustice, to submit to a law imposed by force, and to return to Europe, to reclaim there all the rights violated by an engagement, of which the records of war would not offer an example among civilized nations. This officer took this last resolution; and my Sovereign, by approving of his conduct, has taken upon himself to claim satisfaction for this act of injustice.

The Council of Calcutta avoid in their answer all manner of explanation upon the events which are joined with the taking of Mr. Chevalier; by putting this discussion out of the question, they content themselves with using this remarkable phrase; "It is sufficient that you are prisoner in our hands, and that we give you the choice to remain so, or to procure your personal freedom on such terms as we shall think fit to prescribe."

What a horrid abuse of power! what subversion, Gentlemen, of all moral and political ideas! I should look upon myself as guilty of neglecting the consideration which great nations owe to one another, if I did analyse this assertion, advanced as a principle of which it would not be permitted to doubt.

It is not even now to be feared that your Court will be satisfied with that too trivial answer, when a lawful satisfaction is avoided; that the vouchers are not come to hand, and that the positive circumstances of that event are not known: the letter even of the Council include an implicit avowal of all the facts con-

tained in Mr. Chevalier's letter. It is in vain they endeavour to lessen, by expressions of the strangest despotism, the justice of a demand, of which they see all its force, but with which they cannot combat upon equal ground.

I consider as an indisputable fact, that Mr. Chevalier has been sold and delivered up in a neutral country, in consequence of a criminal treachery, which no state policy can justify. Certainly, if the Europeans were so unfortunate as to have any of their Sovereigns commit such arbitrary violations, such acts of violence exercised in their States, would be made known to all the powers, and they would obtain justice or revenge. Yes, Gentlemen, these principles are common to all Sovereigns. If the Indian Prince does not disclaim that outrage, which he could neither foresee nor prevent; if even (which we are far from supposing; as it is contradicted by facts) he had connived at so dishonourable an action, would not your Court have thought, that the rights of the Prince, whose subject was become the victim to the audacity of a corruptor, and the treachery of a Minister, were annihilated by the very act which consecrated the audacity of the one, and the treachery of the other? Imprescriptible and immutable rights are not destroyed by war, which, though it suspends all other connections between contending nations, yet never weakens that of honour, and rejects every action that is not founded on such principles.

You will observe, Gentlemen, that the question I have the honour to propose to you, is not to know, whether Mr. Chevalier might be judged free, or considered as a prisoner. You will alledge that his letter decides that question; that it is to that letter only we must have a recourse; that an officer is a prisoner from the moment he acknowledges himself



himself to be such. But this answer would be but a subtlety, which, being applied to an individual, tends only to make that reclamation purely personal. It is not Mr. Chevalier who looks back to the engagement, which his situation, and the violence exercised on him, obliged him to make; it is his Sovereign, who complains of a public offence given to one of his subjects, of an attempt against his liberty, committed far from the eye of his Britannic Majesty, who, undoubtedly, will disapprove a conduct he never could prescribe to, or countenance in, his Subalterns, who have transgressed their power, and compromised the Royal authority. It is before the tribunal of all nations that this cause should be carried, if it were possible that my Court should not obtain satisfaction. Yours, Gentlemen, ought eagerly to embrace this opportunity of proving the rectitude of your Sovereign's sentiments; to consent to the exchange of Mr. Chevalier, would be depriving his Britannic Majesty of the means of publicly disavowing an act of injustice and oppression; the refusal of which would naturally draw all the odium upon him. This consideration persuades me, that I should have spared myself all this trouble: I even fear you will reproach me with injustice for thinking, what I have said, necessary to support so natural a reclamation.

I have the honour to be, with the most distinguished consideration,

Gentlemen,

Your very humble, &c.

(No. 1.) *A paper signed by Mr. Chevalier.*

Having been, as a subject of France made prisoner of war, by the authority of the Governor-general and Council of Fort William, in Bengal, and having obtained my liberty upon my parole, not to serve directly nor indirectly against the King of Great Britain, the English East-India Com-

pany, or their dependents, in any hostile manner whatever, offensive or defensively, nor give intelligence, nor form any combinations, nor do any thing which may prejudice their interests, until I shall be exchanged, or set at liberty by a cartel or regular convention between the two crowns of France and Great-Britain; I do solemnly give my word of honour to leave Bengal the 1st day of December next, and to depart for England with all convenient speed.

Given at Fort-William, Oct. 1, 1778.

(Signed) CHEVALIER.

(No. 2.) *Letter from Mr. Chevalier to the Council of Calcutta, dated Oct. 1, 1778.*

Gentlemen,

Agreeable to your orders I am now come to Calcutta, and have thereby fulfilled my engagements with Mr. Elliot at Catek. You now declare me your prisoner: in that quality you detain me here, and expect me to sign my parole in the form you prescribe to me, and which you have sent me, added to your letter of the 2d ult. Permit me to make such necessary and indispensable objections thereto as occur to me; and I flatter myself you will find them so well founded as to merit your approbation.

*First objection.* By what title can I be considered as a prisoner of war to the English nation? I was not taken or stopped by English forces; nor by any dependent on them. I was at Catek, which is near forty-five leagues distant from Bengal, and belongs to Maratte. It was the Governor of that city, who, by the grossest and most scandalous violation of all the rights of the protection and hospitality he had granted me, and after having even assigned me a house within the fort for my lodging—it is him, I say, who, seduced by the negotiations with which you intrusted Mr. Elliot, delivered me into his hands. It is from hence clear, that I can

I can at most only be considered as a prisoner to the Governor of Maratte, and delivered into your hands from causes better known to you than to me. Upon such a title, I cannot think of signing my parole as tendered by you, and you must be convinced, that you have no just right to demand it.

*Second objection.* Supposing, in opposition to the reasons deduced in the preceding objection, that I may be considered as your prisoner; yet, Gentlemen, it will be necessary, that you should give me sufficient proof, that war was actually declared in Europe between France and England, and that it was in consequence of such positive declaration, that you took possession of Chandernagor, and all the French establishments in Bengal, as well as of all the ships of that nation, which were then in, or have since entered, the Ganges. I am informed, by different letters received from Europe, dated the end of April, and the beginning of May, that war was not at that time declared. You, however, assured Mr. Hocquart, Commandant in my absence, in your letter of the 11th of July last, that the proclamation was read in London the 18th of March, and on the 30th of the same month in Paris. This implies so apparent a contradiction, that I cannot avoid demanding the clearest explanation thereof, in order properly to regulate my conduct; for, if you have committed these hostilities only on the strength of the political views, and private orders of your company alone, there can be no ground for treating me as a prisoner: I cannot legally acknowledge myself as such; since it is certain, that before any one can be considered as a prisoner of war, it will be absolutely necessary to prove that war actually exists.

*Third objection.* Whatever might be the state of affairs, and though there were a moral certainty of a de-

claration of war, yet it would not be justifiable in me to sign a parole in the terms you dictate; because they are entirely contrary to the laws of war adopted by all nations, and of which no example can be produced. A most interesting matter to me is a clause in this parole, which is a most dishonourable attack on my reputation, and, were I to sign it, would give birth to suspicions that would render me contemptible in the face of all nations, and in the face of my own country in particular. What, Gentlemen, can you expect, that after taking my passage to England in one of your company's ships, I should engage never to return to India, nor to the East of the Cape of Good Hope, so long as the present hostilities shall continue, even though I should be exchanged! What would my King and his Ministers think of me, had I the misfortune to subscribe to such conditions? What an injurious opinion would every mind entertain of me! The very idea is sufficient to revolt a man of honour. You certainly have not, Gentlemen, properly considered this matter; otherwise, I am well persuaded, you would never have made to me such a proposition. Besides, such a condition, leaving what concerns myself out of the question, would be absolutely void in its nature; for, being once exchanged, I recover my primitive state, and again acquire the same kind and the same extension of liberty which I formerly enjoyed, equally with the subject of Great-Britain, for whom I shall be exchanged. What, is the Englishman to enjoy these privileges, and I be denied them? Is he permitted freely to serve his country in any part of the world where his duty shall call him, while a Governor of France must be denied the same power? I am persuaded, Gentlemen, you perfectly see the force of these reasons for not signing my parole. As to my person  
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and life, they are in your hands, and at your disposal, but my honour is my own, and no power can deprive me of it. See, then, Gentlemen, the proposal I have to make, and the only condition I am permitted to sign, agreeably to the rules of war.

When you have given me the most formal assurances, that war is declared between the two crowns; if, without any regard to the manner in which I was arrested and delivered up at Catek, you persist in considering and treating me as a prisoner of war, as I have no tribunal to which I can appeal, and must therefore submit, then I consent to sign, according to custom; the following pure and simple parole; that is, I solemnly engage not to serve, directly nor indirectly, against his Britannic Majesty, or the English Company, in any hostile manner, either offensively or defensively, nor to give intelligence, to form combinations or intrigues; nor, lastly, to say any thing which may prejudice their interest, so long as the present war between France and England shall continue, until I shall be exchanged or set at liberty by treaty between the two powers. This, Gentlemen, is the only parole generally received among all nations, and among the military in Europe.

I moreover reserve to myself the advantages to be derived from a cartel, such as may be agreed on between the two crowns, respecting prisoners of war, if any such there be; but if no such event has taken place, and the first news we shall receive shall inform us of the restoration of peace, then I must naturally be restored to the enjoyment of my full liberty, and the parole I may have signed become absolutely null and void.

I have the honour to be, &c.

(Signed) CHEVALIER.

(No. 3.) *Letter from the Council of Calcutta to Mr. CHEVALIER, dated Oct. 1. 1778.*

VOL. X.

SIR,

We were this day honoured with your letter, and we have embraced this early opportunity of sending you an answer thereto. We apprehend it is not our province to answer the different points you have started concerning the actual existence of a war, or to enter into explanations of our conduct, which is due only to those from whom we derive our authority. It is sufficient that you are a prisoner in our hands, and that we give you the choice of remaining such, or of procuring your personal freedom on such terms as we think proper to prescribe. You will find those terms specified in the parole hereunto annexed, which we offer to be accepted and signed by you. We have inserted the condition you proposed, and we readily admit your right to be exchanged or set at liberty by a cartel, or by a regular convention between the two Courts of Great-Britain and France. We cannot give up our intention of sending you to England; but, as we understand you wish to take that voyage in one of the company's ships, we freely consent thereto, in consideration of the personal inconveniences you will experience in quitting your abode at Garathy. We consent to give up the positive condition, which requires that you remain at Calcutta, and leave it at your option, after you have signed the parole now tendered to you, to remain at Garathy or here, until the time fixed for your departure shall arrive.

We have the honour to be, &c.

(Signed) WARREN, HASTINGS,  
R. HARWELL, P. FRANCIS,  
H. WHEELER.

*Extract of a Letter, written by Mr. LE HOC, to the Commissioners of the Court of London, April 30, 1780.*

The situation of Mr. Chevalier every day becomes more pressing, and the orders of the ministry require, that I should positively acquaint you

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with the intentions of his Majesty. My dispatches relative to this affair, have given your Court all the information necessary whereon to found your judgment. Its silence to that matter cannot but be considered as an evident refusal to set Mr. Chevalier at liberty, of which he has been deprived by a most treacherous conduct and violence, which, instead of being countenanced, deserves to be punished. This officer, who has not left me unacquainted with the force of his personal engagement, which he entered into, while protesting against such injustice and tyranny, was not the less disposed to go to England; but the King has expressly forbidden him to quit his dominions. It is to his orders only, that your Court must attribute the stay of Mr. Chevalier in France, if you should ever affect to consider it as a violation of his word of honour, of which you can make no advantage without throwing into the opposite scale the oppressive acts which preceded it.

Finally, Gentlemen, there is but one judge, between contending nations, to which sovereigns should submit, and that is to the public voice, which his Majesty has always confidently attended to. The violation of these rights has been made public and confirmed in India, and should be made known and judged of in Europe. I have received orders to cause to be printed all the pieces relative to the seizure of Mr. Chevalier, and to the reclamation of him by the Court of France. These would have been published some time since, had not Mr. Sartine thought it his duty to wait some time for your answer, which could not be a long time deferred.

I have the honour to be, &c.

*Verbal process made on board the ship Sartine, dispatched by the Government of Madras, to convey to France such of the French nation*

*as were made prisoners in the East-Indies, and sent to the Court of London, with the following dispatches, May 31, 1780.*

This day, Monday the first of May, one thousand seven hundred and eighty, we, whose names are hereunto subscribed, consisting of the principal officers and passengers of the French ship *Sartine*, Capt. John Dallés, of about five hundred tons burthen, freighted by the Government of Madras, to carry to France, in quality of a cartel ship, M. de Bellecombe and his lady, and part of the principal officers of the garrison of Pondicherry, being, at five o'clock in the evening, at five leagues to the South of Cape St. Vincent, on our passage to *Marseilles*, through the Straits of *Gibraltar*, and being then under crowded sail, we perceived a large ship bearing down upon us. At six o'clock, finding ourselves but at a short distance from them, we prepared to speak to them, and accordingly shortened sail. At half past six, the said ship being very near us, hoisted French colours. We then displayed cartel colours, with a guidon on our main-mast, the Captain being desirous, by this distinction, to acquaint them, that we had an officer of distinction on board. The ship continued to approach us under French colours, to within pistol-shot. Every one on board came on the different parts of the deck, waiting to speak to their countrymen, with that impatience natural to men who had been departed from India more than ten months. The said ship, running along-side of us, hauled down French colours, hoisted those of the English, and began to fire upon us. The first fire appeared to us only as a proof of his colours, and no one was surprized at it; but this first fire was soon followed by another of case-shot and musquetry. No one could conceive what could occasion a proceeding

ing so contrary to the rules of war. We thought, that the only means to stop their firing would be to haul down our colours, and the few sails we had standing, which did not prevent them continuing their fire till they had discharged their whole broadside, after which they ceased. Unfortunately, Capt. John Dallés was killed, as also two soldiers of the regiment of Pondicherry, besides twelve other persons, more or less dangerously wounded. Among these are M. Leonard, a Major of the infantry; the second Master had a thigh shot off, and a Danish sailor, a passenger, his leg broken. Two shot took place between wind and water, and many have damaged the upper works; one wounded the mizen-mast, and two others damaged the main-mast; a twenty-four pounder, after having carried away part of the helm, entered the apartment of Mad. de Bellecombe, and fell at her feet; another broke an anchor and cut a cable, and our rigging in general received great injury. The ship, having ceased to fire, hailed us to put out our long-boat; but, seeing us not so expeditious as they wished, they manned their own boat, and sent many officers on board us. As soon as they came on board, they expressed the utmost astonishment on finding us a cartel ship, and pretended they had come with an intent to man the ship, which they had mistaken for a man of war, alledging, in support of this mistake, reasons the most weak and feeble, and incapable of arguing the least excuse for such an extraordinary conduct in their Captain, for having attacked a vessel under cartel colours, which had only two signal guns on board, which appeared so much the less suspicious, as she had not been captured for three years, and bore every appearance of having sustained a long voyage, and whose hands appeared unarmed in places

the most exposed; such were evident proofs of a characteristic mark of a cartel ship. We learned, from the said officers, that their ship is called the *Romney*, of 50 guns, Captain George Home. Mr. Dechamps, who embarked with us at Madras, in the character of an English Commissary, immediately went on board the ship of his nation, to communicate to the said Captain our Commission of cartel. Soon after, he sent us an English Surgeon, with every thing necessary for the assistance of the wounded. The condition of our ship, from the injuries she had that day sustained, being sufficiently proved, Mr. Ronbeaud, the second in command, desired the English Captain to take us under his protection till the next day, and to send us such things as appeared necessary to repair our damages. These were sent us about eleven o'clock, and an officer accompanied them with a letter from the Captain to Mr. Bellecombe, in which he expressed the greatest regret for what had happened, assuring him, that he would give him every assistance he should stand in need of. Mr. Bellecombe hereupon told the officer who brought the letter, that he would answer the Captain's letter in a few hours, and he begged of him to tell him, that the situation of our vessel required his protection till the morning. Presently after, the last boat came to inform us, that the Captain could no longer take us under his protection; but to fire signal guns, if we should be in distress, when the said vessel pursued its route. M. de Bellecombe, being informed, that the ship, every hour, made fourteen inches water in her hold more than usual, ordered Mr. Ronbeaud, then actual Captain of the *Sartine*, to make all the sail he could for Cadix, for which port the wind was favourable, which was accomplished with all the precautions necessary, as our

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rigging

rigging was considerably damaged, and as we had received shot between wind and water, which could not properly be repaired in the night.

In witness whereof, and to confirm the same, we have signed this verbal process, on board the said vessel, the *Sartine*, on the day and year above written.

(Signed)

*Lajare, Ronbeaud, Venet, Couron-  
nat, Labistour, John Peyre, Smion,  
Ras, Stager, Ray, Epinaise, J.  
Viand, Bellecombe, Guzman, Dev,  
John Marnewille, L. Lauriston, the  
Count de Carron, Leonora, De la  
Vittelie, La Borderie, Corderan,  
d'Heruille, La Ferriere, Moracin.*

Certified at Versailles, as agreeable to the original, May 31, 1780.

(Signed) LE HOC.

*A letter written by the Sieur LE HOC  
to the Judges of the Admiralty  
Court of London, dated the 13th of  
May, 1780.*

GENTLEMEN,

If your Court had not accustomed me, after that our correspondence has been authorized by our respective Sovereigns, to receive no satisfactory answer to the complaints which I am obliged to make, the King, my Master, would have conceived that, resenting the conduct of Capt. George Home, of the *Romney*, towards the cartel ship the *Sartine*, you would have been anxious to prevent my reclamation, and to offer satisfaction proportioned to the offence. I intreat of you to forward the letter, inclosed in this dispatch, to the Lords of the Admiralty: their indignation and yours ought to equal that of all men who are acquainted with this atrocious proceeding—it will imprint indelible disgrace on the nation that permits so culpable a violation of the laws of war.

Already two flags of truce, the one from New-York, and the other from Senegal, have been taken by

your ships and carried into England. Commanded to reclaim them, in almost all my dispatches, I have only obtained vague assurances of future satisfaction: I have not ceased to demand them, when, at the same time, the Court of France has been convinced that the principles of yours were too different from theirs, to hope for satisfaction from you. On a review of all the proceedings, we can only attribute them to an uniform plan of conduct,—a constant design to overleap all consideration—and to respect none of the laws which have been sanctified by the honour and adoption of all warlike nations.

To attack a vessel whose flag of truce rendered her sacred,—to kill men who were disarmed, and who believed themselves to be secure in the confidence of public faith—to continue the fire of the great guns even after the colours were hauled down—is odious barbarity, and contrary to all the laws of war. The refusal of the English Captain to preserve the sinking vessel to the morning, plainly demonstrates, that it was his previous determination to abandon her to ruin; and he added to the outrage, by his sterile pity, and his tardy repentance; no doubt he hoped, that all knowledge of his conduct would be buried in the deep, with the victims of his cruelty. My Court, in demanding restitution, reject this afflicting idea; but I think it my duty to transmit the public clamours and abhorrence, to the Court of London! the more unjust that it appears, the more it behoves you to refute the calumny by giving all the satisfaction in your power. With such principles, the enemies of my Sovereign may assure themselves of a melancholy advantage over the arms of France—the subjects of this country are not permitted to make use of reprisals so cruel, and you will neither find in

their breaths, nor in that of their royal master's, sentiments so abhorrent to humanity. The actual hostilities of our Court are testimonies of the generosity of the Sovereign, and the following representation affords a signal proof of it.

By my dispatch of the 16th of July, 1779\*, I gave you, Gentlemen, to understand the wishes of his Majesty, relative to the freedom of the Fishery between the two nations. It had been considered contrary to humanity, and perhaps to reason also, to regard as enemies, a class of peaceable subjects, sanctified by a species of commerce, which tended to their own subsistence, by contributing to that of their fellow-citizens.

Your Court coldly refused † to accede to this benevolent disposition, in which, however, my royal master hath still persevered. No English fishing-vessels have been taken since that time; or, at least, if any French corsair, through ignorance or temerity, hath acted in contradiction to the orders of his Majesty, the prizes have not been judged legal by our Courts of Admiralty. It appears that the moderation of the Court of France opened the eyes of yours for a time to her true interests; and indeed, notwithstanding the difference of disposition which the Ministers of the two countries have shewn, the ships of your nation have respected our fishing vessels, except in some instances, which did not appear the result of any hostile intention. But the capture of four fishing vessels,

which was made on the 10th of this month, by a Dover corsair, has been too notorious, and hath created too great an alarm, not to merit the most serious attention. The King could give an order to the commanders of his navy to destroy your fishing vessels; but these acts of rigour, as cruel as they are useless, have never been preferred to his Majesty by the Minister of his marine. It is your Court alone that have rendered them necessary—it is your Court alone that will merit the reproach, if these four French vessels are not restored. I have expressed directions, Gentlemen, to reclaim them, and to intreat you to inform me, if the kind of tacit convention which has subsisted hitherto with respect to the Fishery is still to continue. Till I have the honour of your answer, no hostility will be exercised towards the English fishing vessels: the King is aware of the advantages which England will receive from this declaration, and the precautions which she may take in consequence of a promise so frankly made.

I cannot conclude my letter without giving you an instance of a contrary behaviour. A French corsair had landed on the Isle de Cers, and carried off six of the inhabitants, labourers, whom she carried to Cherbourg. The conduct of the captain has been censured, and the six labourers have been carried back to their own country by a cartel ship. It is with such dignity, Gentlemen, that my royal master fights his enemies,

\* See the letters that follow.

† Extract from the Letter of the Admiralty-Court of London, dated the 3d of September, 1779. “As to the last paragraph in your letter, relative to the liberty of all vessels employed in the Fishery, we have laid the matter, as well as the letter to M. l'Amiral de France, before the Lords of the Admiralty; their Lordships have answered, that the point has already been discussed, and his Majesty was not pleased to approve of such liberty—We are therefore ordered to refuse our consent to the proposal.”

mies; and that his Ministers second his endeavours and fulfil his wishes.

I have the honour to be, with the most profound respect,

Gentlemen,

Your most obedient, &c.

LE HOC.

*Extract from a Letter, written by the Sieur Le Hoc, to the Judges of the Admiralty-Court of London, July 16, 1779.*

I am also directed to transmit to you a letter of the King, addressed to M. l'Amiral de France, relative to the Fishery. This commerce, abstracted from all political interest, appears to merit the most serious consideration, not only on account of its object, but also on account of the condition of the subjects in both the nations who are employed in it, and whom humanity will not permit us to look upon as enemies. I know not, Gentlemen, whether it is to you that I ought to address myself on this subject, and whether I may expect to receive a satisfactory answer. But I must inform you, that the King, who never permits any occasion to escape of exercising his benevolence, and of moving his moderation, has already given orders for setting at liberty a number of ransomers of fishing vessels taken by his subjects; although he knows that those of his Britannic Majesty have seized many French vessels of the same kind. This conduct, contrary to that which the government of England ought to have adopted, after their knowledge of this disposition, will determine his Majesty to adopt the same principles that your Court seems to approve, and revoke the orders that he has given, in the hopes of a contrary behaviour. I beg of you not to delay your answer on this subject.

I have the honour to be, &c.

*Letter of the King to M. l'Amiral de France, dated June 5, 1779.*

My Cousin, the desire that I always have had to soften, as much as

in me lay, the calamities of war, hath drawn my attention to that class of my subjects who are engaged in the trade of Fishing, and who have no other means of subsistence. I have thought that the example which I will give my enemies, who cannot surely possess other principles than those sentiments of humanity which animates me, will induce them to consent to that indulgence and liberty which I wish to give them. I have therefore written this letter to inform you, that I have given orders to all the commanders of my ships, and to the captains and masters of all corsairs, &c. not to molest, until they have orders to that purpose, the English Fishers, and not to take their vessels, either loaded or unloaded, unless they carry offensive weapons, and that my subjects are convinced that they give suspicious intelligence to the ships of war of the enemy.—Make my intentions known to the Officers of the Admiralty, and to all those who are under your command.—This being all at present, I pray God, my Cousin, to take you unto his holy keeping.

Done at Versailles the 5th of June,

1779. (Signed) LOUIS.

(And under) DE SARTINE.

*From the LONDON GAZETTE.*

*Admiralty-Office, July 22, 1780.*

*Extract of a letter from the Hon. Captain WALDEGRAVE, of his Majesty's ship La Prudente, to Mr. STEPHENS, dated Spithead, July 18, 1780.*

On the 4th instant, being on a cruize with the Licorne in company, at ten o'clock, A. M. Cape Ortugal then bearing South and by West, distance 24 leagues, the Licorne made the signal for seeing a sail in the N. W. and a thick fog then dispersing, we discovered a large ship bearing down to us: I immediately made the signal to chase, soon after which, the chase hauling her wind, being then



then only six miles distance from us, we clearly discovered her to be a large frigate, which, from her construction, we concluded to be French.

As we had light winds and calms the whole day, it was half past eleven, P. M. ere I found myself within close pistol shot of her. The signals she now made, both with rockets and lights, convincing me that she was an enemy, I immediately began to engage her; and at half past four, A. M. she hauled down her colours to his Majesty's ships *La Prudente* and *Licorne*.

She proved to be *La Capricieuse*, a French frigate, eight days from L'Orient, pierced for 44 guns, but mounting only 32; complement 308 men. She was launched in March last, measured 1100 tons, and was one of the finest frigates I ever saw.

I am very sorry to say, that the condition of the prize was such (as their Lordships may observe from the report of the survey) as rendered it impracticable to escort her to England. Indeed the very heavy loss I had sustained in the action, and unfortunately having 20 sick on shore, and many on board, made it absolutely impossible for me to give her the necessary assistance for that purpose; I therefore, after removing the prisoners, set her on fire.

Finding, from the condition of my ship, the utter impossibility of executing my orders, I have therefore given directions to Captain Cadogan, the Commander of his Majesty's ship *Licorne*, to put them into immediate execution.

Notwithstanding our seeming superiority, I hope the return of the killed and wounded will sufficiently evince, that my officers and ship's company have acquitted themselves in the most gallant and spirited manner. Indeed I feel it is impossible to do justice to their merits.

In justice to Lieutenant Binks of

the marines, I must beg leave to observe to their Lordships, that his party behaved with the utmost steadiness and bravery, keeping up a regular and constant fire from the beginning of the action, 'till necessity called them to the great guns, where they shewed an equal share of spirit and good order.

But while I am thus giving those well-deserved encomiums to his Britannic Majesty's subjects, I should feel myself in honour bound to give his enemies, on this occasion, the merits they are so truly deserving; did not the condition of their ship, and the heavy loss they have sustained, sufficiently speak their praises. I must beg leave to add, in honour of M. de Cherval, who commanded *La Capricieuse* at the time she surrendered, that the colours were not hauled down 'till the ship had five feet water in her hold.

Mons. de Ranfame and Mons. de Fontaine, the first and second Captains, both fell in the action; but, as to their farther loss, we are as yet ignorant, being unacquainted with the number of prisoners on board the *Licorne*; but, from a rough calculation of their officers, they must have at least one hundred killed and wounded.

It is with infinite concern that I acquaint their Lordships, that Lieutenant Ellison stands foremost on the list of the wounded, having been severely bruised in the back, and his right arm carried off by a shot. I must beg leave to recommend his misfortune, and the great intrepidity he shewed during the action, to their Lordships most particular attention.

*A list of the killed and wounded on board his Majesty's ship La Prudente.*

#### *Killed.*

Mr. John Dismond, Mr. Richard Montgomery, Mr. Thomas England, Mr. William Dismond, Midshipmen, 4.—Seamen, 12.—Marine, 1.—Total 17.

#### *Wounded.*

*Wounded.*

Mr. Joseph Ellifon, second Lieutenant, 1.—Mr. William M'Carty, Midshipman, 1.—Seamen, 25.—Marines, 4.—Total 32.

*Since dead of their wounds.*

Seamen, 2.—Marine, 1.—Total killed and wounded, 48.

*Licorne.*

3 killed,—7 wounded.

I am, &c.

WILLIAM WALDEGRAVE.

Pursuant to an order from the Honourable William Waldegrave, Commander of his Majesty's ship *La Prudente*, of this day's date, to us directed, we whose names are under-mentioned have been on board the prize frigate *La Capricieuse*, and have there taken a strict and careful survey on her, and find as follows, viz.

The fore-mast wounded in several places.

The fore-top-mast over the side.

The main-mast laying fore and aft the deck, being gone about ten feet above the main-deck.

The mizen-mast shot in several places.

The mizen-top-mast the same.

All her spare yards and top-masts rendered unserviceable with shot.

A number of shot-holes betwixt wind and water.

Many other damages about the ship, and when we left her, six feet water in the hold.

And we do declare we have made and taken this survey with such care and equity, that, if required we are ready to make oath to the impartiality of our proceeding.

Given under our hands, on board the prize frigate *La Capricieuse*, at sea, this 6th of July, 1780.

JOHN RICHARDSON, Carpenter.

THO. SPASSHATT, Carpenter.

From the LONDON GAZETTE.

Constantinople, June 26. According to letters from Bombay, dated March 25, and received the 8th inst. the English East-India Company's

army, under the command of Gen. Goddard, had taken every place to the northward of Surat, and to the southward of Amadabad, the capital of Guzzorat, which was taken by storm the 15th of February, with the loss of about 100 men killed and wounded. Gen. Goddard was on his return to the southward, and was within a few miles of the Mahratta armies; the Generals of which were making proposals of peace, and, as a preliminary, had delivered up two English gentlemen, who had been in their hands for several months.

Sir Edward Hughes was arrived with his squadron at Madras, and all the East-India fleets, which sailed from England in March and May, 1779, were likewise arrived in different ports in India, not a ship being missing.

[Last year we had accounts from India of an expedition having been sent from Bengal, consisting of several thousand men, to attack the above city; the march thither is above 900 miles, and scarcely any roads. These troops were to have been joined by a large reinforcement from Bombay, at an appointed place, before they reached Poonah: from the former to the latter place it is but 350 miles; the Bombay army arrived first, and thinking themselves strong enough to attack Poonah, would not wait the coming of those from Bengal, but immediately began to besiege it, were repulsed, a great slaughter made, and two hostages were demanded for their keeping the peace in future. However, they were resolved to try once more, with a larger force, and Gen. Goddard commanded the expedition against this fortress (the only one remaining in India in the interest of France) which became an easy conquest, of infinite wealth and consequence to the India Company, and the hostages that Gen. Carnac had given for the enlargement of his army, in the preceding campaign, were delivered up.]

*A summary account of the still unfinished voyages, undertaken by order of Government, in his Majesty's ships the Resolution and Discovery. Compiled from all the authentic papers hitherto extant.*

Captain James Cook was appointed a Post-captain in the navy on the 9th of August, 1775, immediately after his arrival from his second voyage round the world; and in July, 1776, he sailed again from Plymouth in command of the Resolution, a frigate of 35 guns, accompanied by Captain Charles Clerke, Master and Commander of the Discovery of 20 guns. The object of this expedition was avowedly the examination of the North-West coast of America, with the relative situation of that continent to the eastern coast of Asia, and the exploring of a passage from that quarter into Europe, either by the North-East or North-West.

After a favourable passage, the two ships arrived at the Cape of Good Hope, in the month of October. At this place they made only the short stay necessary for refreshment, having taken their departure thence in the course of the same month.

Upon leaving the Cape of Good Hope, Captain Cook steered for those islands to the southward of that place, discovered in January, 1772, by the French, under Messrs. De Kerguelen and De St. Allouarn. Our navigator had, in his former voyage, attempted to make them, but was disappointed by means of tempestuous weather. But upon this occasion he was more successful, and found them to consist of some small low islands, uninhabited, and without either shrub or tree, producing nothing but a few plants, and some turtle. Their northern extremity is

laid down in S. lat.  $48^{\circ}$ , and E. long.  $64^{\circ} 20'$ . Leaving these islands, he directed his course to the coast of New Holland. This he made and surveyed for the space of 400 leagues, ascertaining exactly that part, hitherto unexplored, which lies between the land discovered by Nuyt, in 1627, and that of Van Dieman, visited by Captain Furneaux in the Adventure. From thence he proceeded to New Zealand, where nothing material occurred. It is probable that the examination of the West coast of New Caledonia was the next object of our navigators, as we learn that they directed their course to the island of New Guinea, by which means they must have passed New Caledonia in their route. However that may be, it is clear that Captain Cook bestowed some time upon the survey of New Guinea, exploring its southern coast, before unknown to Europeans, and fully ascertaining the size, the situation, and the form of the whole of that extensive, and, in all probability, valuable island. Upon this occasion, he made many important discoveries, which cannot yet be satisfactorily known. One, however, has been mentioned, and that is a small island producing abundance of the true nutmeg, of which he brought away but a trifling quantity; but with that attention which characterised all his actions, he caused twelve of the young trees to be carefully taken up, which he carried to Otaheite, where he supposed they might be introduced with a prospect of success.

We are not informed of the particulars of the course pursued by Captain Cook from New Guinea to Otaheite. We know, however, that he arrived at this last island in the month of August, 1777; and when

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\* The longitude throughout the whole of this account is calculated to the East of the meridian of Greenwich.

it is considered, that he had now employed nearly the space of ten months from his leaving the Cape of Good Hope, we may reasonably conclude, that his surveys and discoveries have been numerous; as it is certain, that, by following a direct course to Otaheite, he might, without some intervening accident, have accomplished the passage in half the time. There is no reason to doubt, but Captain Cook met with a reception agreeable to his wishes at his favourite island of Otaheite, as it must be remembered, that he had now in his power to present to them their countryman Omiah in perfect health and contentment. We may suppose that our navigator enjoyed the highest satisfaction in having an opportunity of affording the islanders that proof of European faith which had no doubt been somewhat called in question, by the untimely fate of two of their countrymen, who on former occasions had ventured to accompany their European visitors: Auteroo, the companion of Bougainville, had fallen a sacrifice to the small-pox at the Cape of Good Hope, in his return from France to his native country; and Tupia, the follower of Captain Cook in his first voyage, was cut off by the malignant fever of Batavia, before he reached England. They were now, however, made happy in the sight of the travelled, accomplished Omiah, who was received with such mingled expressions of joy and surprise, as plainly denoted their slender expectations of his return. But their satisfaction was not limited to his return. The load of presents which accompanied him had also its effect. Their astonishment is said to have surpassed all description, when they beheld a horse and a mare, a bull, a cow, and several other animals, which Captain Cook delivered to them; nor can this be wondered at, when we reflect, that the hog, the

dog, and the rat, were all the native quadrupedes of the island. Neither is it to be doubted, but their pleasure must have been increased by hearing the explanation of their nature and uses from their countryman. This it is said he did to their full satisfaction, and without exciting the smallest appearance of jealousy on account of his superior riches or instruction; neither of which on his part prevented his discovering the highest delight at the sight of his native land. Since the last voyage of Captain Cook, the Spaniards had visited this island, at two different times. They had sailed from Callao, the seaport of Lima; and those who arrived first had made a considerable stay, until they were joined by a second expedition, when they altogether took their departure, a short time before the appearance of the English ships. It is affirmed, that they remained expressly to fall in with Captain Cook, but whether with hostile or liberal views, as navigators, it does not appear. Our Commander is supposed to have had some degree of partiality for this island; but we cannot think that it was such as would have induced him to make it his residence so long as he did, had not the season of the year pointed out its necessity. He remained here until the month of December, earlier than which, it is certain he could not have attempted to prosecute the discoveries in the northern hemisphere beyond the tropic.

Before Captain Cook left Otaheite, he took care to have planted those nutmeg trees which he had brought from his new discoveries on the coast of New Guinea, and which were at this time in perfect preservation. He at the same time enjoined such directions for their cultivation as may be productive of future advantages. We learn, that during his stay at the island, Captain Cook

Cook employed himself in the investigation of several matters of the highest importance, particularly the mode practised by the natives in navigating their *iwababs* or vessels. This may be considered by many as a matter of utility as well as of curiosity, leading to the determination of the great speculative point of the population of islands far removed from continents. And if we can give credit to what has been made public, the result of his researches must have been highly satisfactory. We are told, that he found the Otaheiteans had the most accurate idea of the motion of the heavenly bodies that could be desired from natural observation, and such as enabled them to regulate their courses at sea as well in the night as in the day. If we add to this circumstance, the radical similarity of their language to the other islands in the South Seas, there will remain little doubt of the possibility of their having all issued from one common origin.

Having taken leave of Otaheite, the grand object of this expedition came immediately in view. Capt. Cook, therefore, directed his course to the northward; but as the season was yet early, it seems he thought proper to employ some time within the tropics before he proceeded directly to the coast of America. We accordingly find, that in E. long. 200, and about the latitude of the tropic, he discovered an island, to which he gave the name of Sandwich. This he conceived to make only one of a cluster of others; but judging it then more expedient to avoid the delay necessary for exploring them, he pursued a course by which he reached the continent of America in the month of March, 1778, about the 49 $\frac{1}{2}$ th degree of northern latitude. This situation being upwards of 8 $\frac{1}{2}$  degrees to the southward of the last discoveries of the Spaniards with which we are ac-

quainted, it is from thence evident that no part of that extensive coast remains undiscovered, although it is to be feared, not perfectly explored. This must appear more clearly upon a comparison of the last voyages of the Spaniards with the present one of the English navigators. It is undoubted that our information with respect to the discoveries of the former nation is very imperfect; however, as holding immediate connection with the subject of this sketch, they may, as far as known, be here pointed out in brief.

The first of the Spanish expeditions to the northward, which we can give any credit to, was in 1769, when two vessels sailed from Loretto, in the Gulf of California; but they advanced no farther than to the point of the Monte-Rey, in lat. 36. In a subsequent one, it seems they reached as far as Porto Trinidad, in lat. 41 degrees 7 seconds. But their principal expedition was undertaken by order of Don Francois Bucarely-e-Ursova, and the command given to Don Bruno de Heceta, in the frigate San Carlos, accompanied by the sloop *Senhora* and packet-boat *Mexicana*. They sailed from St. Blas, in New Galicia, lat. 21 deg. 34 minutes, long. 248 deg. 51 minutes, on the 13th of March, 1775. After surveying the islands of Socorro and Tres Marias, they, on the 10th of June following, made Porto Trinidad. From thence they advanced to Cape San Augustin, in lat. 55 degrees, where they observed large bays and great openings in the continent, which they were prevented from reconnoitring by the violence of the currents; but where they found the return of the flood to take place once in every six hours and twelve minutes. After this, in lat. 55 degrees. 7 seconds, long. 216 degrees, 40 seconds, they discovered an excellent port, which they named San Bucraelly. At this place

place they were presented with an extensive view of the interior parts of the country, which they found to abound in large volcanos. One might now pause to reflect on the surmise of the learned Dr. Robertson, with respect to the separation of the two continents, by means of some extraordinary convulsion of nature. But it will be more consistent with this relation to rest satisfied with observing, that the facts and appearances from whence such an inference could be drawn are corroborated by every new discovery made in that quarter of the globe. The opposite continent of Asia has long been remarkable for its volcanos; the intervening islands, discovered by the Russians, do, one and all, contain more or less of them; and we now find that the coast of America, particularly at Porto San Bucarely and Cape St. Elias presents the like appearances. It has been said likewise, that the Spaniards found the country in this neighbourhood, and in several other places on the coast, well inhabited, and by a people not only docile and humanized, but even in some degree polished. To the southward of Porto San Bucarely, at the distance of six leagues, three small islands were seen, to which they gave the name of San Carlos. The land made by Ichirikow, in 1741, is generally laid down in lat. 56 deg. This part the Spanish voyagers made and examined. Proceeding still northward, they, on the 16th of August, discovered Cape Engagno; and the day following, about three leagues to the north of the Cape Porto Guadalupe, situated in lat. 57 deg. 12 sec. long. 214 deg. 38 sec. This port they found rather indifferent, having but one opening, which is to the south, and no anchorage in less than 50 fathom water. They were, however, more fortunate in their next day's discovery, which

was Porto dos Remedios. It is about two leagues to the northward of the former, has an exceeding good bottom, and is otherwise convenient. Having left this place immediately, they pursued their northern course until the 20th of the same month, when they had sight of a cape land, in lat. 58 deg. 3 sec. which they concluded to be that of St. Elias, seen by Beering, in 1741, and near to which he found a port, where he anchored for some time. This cape terminated the progress of the Spaniards, who now returned towards St. Blas, where they arrived the 20th of October, 1775, after a long voyage of seven months and seven days. In their return, they made but few discoveries. These were principally Cape Mezars, in lat. 45 deg. 50 sec. long. 228 deg. 45 sec. and Porto de la Bodega, situated in lat. 30 deg. 18 sec. long. 229 deg. 44 sec. This harbour, which was named after the Commander of the *Senhora*, agrees so exactly in character and latitude with that of New Albion, visited by Sir Francis Drake, in 1578, that there can remain little doubt of its being the same. It was found to be in every respect good and commodious. Although the Spaniards studiously conceal their transactions in the quarter now described, it is said to be known that they have already established several missions, and attempted to form some settlements to the north of California. It is further said, that these discoveries are capable of some immediate and considerable benefits by the whale and other fisheries, which they would admit of to a great extent. Having thus enumerated the most material discoveries of the Spanish nation, we may be allowed to return to the supposition, that they, as well as Captain Cook, have left much unexplored to the southward of that point in which he made the coast. We have particularly

cularly to regret, that neither the bay discovered by D'Aguilar, in 1503, supposed to be in lat. 43 deg. nor the opening said to be found in 1592, by Juan de Fuca, in lat. 47 deg. have come under their examination; the former is unquestionably an object of very considerable importance, as it is generally believed that into it is emptied the Oregon, or great river of the west, which, before passing into the South Sea by the entrance of D'Aguilar, is laid down by the German charts as forming an immense bay of several degrees of extent.

We now return to our British navigator, who having suffered considerably in his masts and rigging, and sprung a leak in the Resolution, was under the necessity of making for a port to repair. This it seems he was fortunate enough to fall in with. He accordingly moored his ship, and soon rendered her fit for the prosecution of the voyage. This harbour may, from Captain Cook's situation, be supposed to have been in some of those openings seen by the Spaniards near Cape Augutine. Upon his departure from this place, it appears that he was attacked with such violent storms as totally prevented his usually accuracy in the examination of the coast. This will not indeed be considered as surprising, when we recollect that it must now have been only the latter end of March or beginning of April, a season of the year in which tempestuous weather may naturally be looked for in that northern latitude. Such, certainly, he was unfortunate enough to encounter, insomuch that he was again under the necessity of betaking himself to a port, which he discovered about lat. 58 deg. 28 seconds, and which agrees in every respect with that given by Muller to the harbour in which Beering anchored, immediately to the north of Cape St. Elias. Having made some re-

pairs at this place, he sailed along the coast, and surveyed it with accuracy. On this occasion it is said, that he detected innumerable errors in the charts of the Russians, which had very often misled; and might have proved fatal to him. Continuing his course to the northward, along an uninterrupted coast, he at length reached that point which had so long been the object of speculation and research, the extremes of the continents of Asia and America. These, it was discovered, were separated by a narrow strait only, in which, and somewhat to the northward, he found the sea to be of no considerable depth. The particular latitude and longitude of these extreme points have not yet been communicated to the public; but if a conjecture may be allowed from his subsequent course, and the latitude in which his progress to the East was interrupted, we may be supposed to be nearly accurate, in laying it down from the 65th to the 67th degree of latitude, and about the 20th degree of eastern longitude from Greenwich, in which situation the Stachtan Nitada, or great continent of America, is laid down by Dr. Muty, but not in the general chart of the Russian dominions, published by Engel, who assigns to the extremity of America a position considerably farther to the westward and southward. The two opposite continents where they so nearly approximated, presented to the eye nothing but a low and barren land. Having passed the strait, therefore, he discovered the American coast extending in such a manner to the north-east, as induced him to suppose, that by continuing its direction, he might effectuate that passage towards Hudson's on Baffin's Bay, which had been so eagerly and unsuccessfully sought after. But it would appear that our adventurer had been doomed to destroy the utility of such suppositions in this quarter,

quarter, as he had in his former voyages put an end to all ideas of a continent to the southward. He persevered in his pursuit until the middle of August 1778, when in lat. 70 deg. 45 seconds, and E. long. 198 deg. he was so obstructed by impenetrable ice, as to be totally prevented from advancing, and obliged to form the resolution of returning. It is said, that Captain Cook applied upon this occasion the opinion which he had all along conceived of the necessary proximity of a continent of land for the production of those large ice fields, which, now in the Arctick, as formerly in the Antarctick region, interrupted his progress. But as that opinion has been combated by his philosophical companion, Mr. George Forster, we shall leave it to a future decision. It appears that it was not without considerable trouble and danger that he was enabled to disentangle himself, owing to the suddenness with which he was beset with the ice. He nevertheless accomplished it, and immediately took a western direction, in order to discover the practicability of a passage to Europe by the coast of Siberia, which he accordingly made, in lat. 68 deg. 55 seconds, long. 180 deg. 30 seconds. Although this is not so far to the northward as the supposed promontory of the country of the Tschutki, it is yet higher than Beering, or any Russian navigator has hitherto reached, perhaps, excepting Krenitzin, who undertook a voyage of discovery in the year 1769, the account of which Coxe has just made public. As far as we have carried our information, the Russians have never gone beyond lat. 67 deg. 18 seconds, which is at least seven degrees to the southward of that promontory called Ischukotiskoi, or Szlaginski-nofs, round which no Russian vessel has ever yet sailed. Nor is it probable that even Captain

Cook has been able to reach it, as we find that the same obstacles interrupted his advance to the west as he had experienced on the coast of America. He accordingly entered upon his return to the southward, and soon regained the strait, which he passed, and proceeded to a port in the island of Unalashka, in the northern Archipelago, laid down by him in lat. 53 deg. 55 seconds, long. 192 deg. 30 seconds, where he anchored, in the month of October, 1778. He soon found that this island, as also Umanak, and several others in its neighbourhood, had for several years held an intercourse with the continent of America, as well as of Asia. At this very time Captain Cook met with some Russian traders from Kamchatka, to whom he consigned a letter to the Admiralty in England, which has been since received. The islands in this new Archipelago have been described by the Russians as inhabited by an ignorant and jealous people, unknown to Europeans before their discoveries. They are without government or religion. Their cloathing consists entirely of furs. Their food, which they eat perfectly raw, is principally fish. This they go to sea for in haidars or boats, made of sea-dog's skin. They allow of polygamy, and practise the exchange of their wives. They live in jurts, or cellars, and use dried grass for their firing as well as for their bedding. Their weapons are bows, and arrows pointed with bone. These islands produce a variety of berries, with the alder, the birch, and the willow trees. It is not probable that such company could be very grateful to our adventurers. Capt. Cook therefore, who was ever indefatigable in his pursuit of discovery, finding the inclemency of the winter approach in this northern climate, embraced the resolution of employing that season in a more temperate latitude. He accordingly



'cordingly proposed to ascertain the nature of the land that he conceived to lie in the neighbourhood of Sandwich island, which had been discovered in his route from Otaheite to the coast of America. In this conjecture he was not disappointed.—He actually discovered several other islands, in one of which, called by the natives O-why-hee, he found an exceeding good port, where he anchored, about the beginning of December 1778. The harbour has the name of Caraca-cossa, and is situated in lat. 22 deg. and about the longitude of Sandwich island, which lies in 200 deg. East. From the situation of these islands, it is highly probable, that they are the same with that land generally laid down in our maps as seen in 1597 by Mendana, in his return from the Solomon islands to America. We learn that these new discoveries of Capt. Cook were found to be inhabited by a very numerous and warlike people; that they seemed to be of the same kind and offspring as those of Otaheite, but in their manners approaching more nearly to the savages in the islands of the northern Archipelago, or to the natives of Kamchatka: that in common with the latter, their covering consists only in the skins of large fish, and that their food they always eat raw, and for the most part in a state of putridity. We must however suppose, that this account is not strictly correct, as we find that they possess a fertility of soil, to which the Kamchatkans are strangers, and such as supplied our navigators with the greatest abundance of plants, greens, and other refreshments of the vegetable kind. They had beside, such a quantity of hogs, as enabled them to assist the ships with that article of provision. Neither do we think that the above comparison will hold good, when we learn that they have arrived at a certain state of government. It seems

that in this respect, they are pretty much on a footing with the Society Isles, having a Chief or a King to whom all appeals for justice are made. Their disposition for war may perhaps be somewhat stronger, as they were found to carry their means of defence so far as to have strong holds upon the eminences of their country, much in the manner of the Hippahs of the New Zealanders,

Upon the first arrival of our navigators, the inhabitants received them with great friendship and cordiality; nay, it is said, shewed them a respect bordering upon adoration. They readily furnished them with the supplies they stood in need of, and rendered their situation perfectly comfortable for the space of two months that they took up their residence among them. About the beginning of February, 1779, Captain Cook being desirous of returning to the northward, took leave of this place accordingly; but he had scarce left the harbour, when a violent gale of wind split his foremast in such a manner as forced him back to repair it. It is probable that this unexpected return excited some jealousy in the natives, as it appears that their conduct was now totally different towards their visitors: suspicion seemed to take place of hospitality, and dishonesty of their former fidelity. Notwithstanding this change in their manner, Captain Cook did not as yet entertain any apprehensions of them, and landed his carpenters and observatory as usual. But their disposition for theft now manifested itself upon every occasion; and at length, on the 13th of February, in the evening, the cutter of the Discovery was cut loose from her cable, and carried away. The day following, Captain Cook landed with his Lieutenant and nine marines, and proceeded immediately to the residence of the Chief, to de-

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mand justice, and a restitution of the boat. He was received by him with the usual cordiality; but perceived that the natives assembled upon the occasion were far more numerous than usual. They at the same time discovered such insufferable marks of insolence, as induced him at last to discharge his fowling-piece at one of them. This neither did, or was meant to do any mischief. Nevertheless, a general commotion and attack ensued; in which, notwithstanding the fire and execution of the marines, Captain Cook and four of his people were unhappily killed! Thus ended the life of a man, highly respectable in private as in public life, and one to whom, perhaps, the geographical world owe greater obligations than to any other who ever preceded him. It was with difficulty that the Lieutenant and the remaining marines, almost all wounded, reached their ships, to transmit the accounts of this melancholy event.

Capt. Clerke now took command of the *Resolution*, while that of the *Discovery* devolved on Lieut. James Burney. These gentlemen not seeing the smallest probability of revenging the death of their much regretted countryman without great slaughter, on account of the numbers and defence of the natives, deemed it more judicious to take advantage of the disposition of the latter for a reconciliation, and to act upon the defensive until their repairs were completed. These they accomplished about the middle of March, when they took a second leave of this fatal island, and bent their course once more to the northward. Captain Clerke's attention was now directed to the examination of the islands in the northern Archipelago; but it was not long before his progress was interrupted by such violent weather, as greatly damaged his ships, and rendered him under the necessity, towards the end of

April, of making for the Russian port of Awattha, or St. Peter and St. Paul. This place is situated on the eastern coast of Kamchatka, in lat. 51 deg. 30 seconds, long. 159 deg. Upon his arrival, he was received by the Governor, Major Behm, with that politeness, urbanity, and friendship, which do honour to himself and to his country. He afforded him every assistance of provision and refreshments in his power; and such indeed seems to have been their state, with respect to health and supplies, that on the 8th of June, 1779, the date of the last dispatches to the Admiralty, he was preparing to make another attempt to explore a northern passage into Europe. This it is probable he will search for on the American coast, in a latitude to the southward of Cape Elias, as its impracticability to the north of that point seems fully demonstrated by their route of the former year, when in the height of the summer season they could neither proceed to the east or to the west in any latitude beyond the strait that separates the two continents. What course he may afterwards pursue, in case of his failure in the attempt he had in view, we know not. It has however been said, that he then means once more to visit the island of Otaheite, and bring Omiah from thence to England, should he be disposed to accompany him. It is worthy of remark, that when the dispatches were transmitted from Kamchatka, the two ships had only lost by sickness two persons, one of whom was the surgeon of the *Resolution*; one had been drowned from the *Discovery*; and five had lost their lives at O-why-hee. It is certain, that the fate of so worthy and celebrated a character as Captain Cook, must be truly lamented by every feeling mind, and every lover of science; but it is some consolation that merit, experience, and ability, were not in this

this expedition confined to him alone. Captain Clerke possesses an ample share of all the three : and we may suppose, that having been for two voyages before the present, the companion of the Commander, he had not failed to imbibe his persevering spirit of discovery. From these circumstances it is hoped that this important expedition will be brought to a happy and satisfactory conclusion. It is somewhat surprizing, that some accounts of these two ships were received at Petersburg from Kamchatka, so early as the month of November ; and even by the official, though circuitous route of the town of Irkutsk, in Siberia, on the lake Baikal, Capt. Clerke's letters reached the capital about the middle of December, which was only six weeks after their date. Such a regularity and expedition of conveyance mark strongly the progress of civilization in the Russian empire.

*Extract of a letter from Exeter,  
July 26.*

" Our Committee met at the Castle in this city on the 7th instant, and came to the following resolutions :

" Resolved, That this Committee do declare their utmost abhorrence of the late tumults, which have lately disgraced the capital of this empire, and earnestly hope and trust that tranquility and legal government will be speedily restored ; that the ill-founded apprehensions of the uninformed may be removed, and that the prudent and lenient hand of wholesome laws will secure the Constitution of this free country, both ecclesiastical and civil.

" Resolved, That our future endeavours be exerted in a steady perseverance to attain that reform in the expenditure of the public money, which has been the great foundation of our association. That our opinion on this point has received the addi-

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tional testimony of the House of Commons ; and we feel too sensibly that the failure in our full expectations on that head is wholly owing to that abuse of which we complain ; namely, that the influence of the Crown, by the means of its Ministers, has prevented that remedy to our distresses, which every consideration calls upon the Legislature to apply.

" Resolved, That as we do not flatter ourselves that the commission of accounts, appointed by the late act, promises the public that effectual redress which it wishes, that Mr. Burke be desired to present again, in the next session of Parliament, his bill " for the better regulation of his Majesty's civil establishment, and of certain public offices ; for the limitation of pensions, and the suppressing of sundry useless, expensive, and inconvenient places, and for applying the monies saved thereby to the public service ; " and that the Chairman be requested to write to Mr. Burke accordingly.

" Resolved, That the Chairman be requested to send a copy of these resolutions to the Chairmen of the several Committees of the counties of York, Gloucester, Hertford, Dorset, and of the city of Westminster.

" Resolved, That John Honeywood, Esq. be added to the Committee.

" Resolved, That the Committee do adjourn to the Thursday in the next Michaelmas sessions-week, being the 5th day of October next, at this place, at eleven o'clock in the forenoon.

COURTENAY, Chairman."  
*Extract of a letter from Northampton,  
July 27.*

" On Tuesday last the adjourned general meeting of this county was held at the County-hall in the town, Benjamin Kidney, Esq. Sheriff, in the Chair, to receive the report of the representatives in Parliament,

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upon the instructions given to them on the 29th of January last; when the following resolutions were almost unanimously agreed to, not above two or three hands being held up against them.

“ Resolved, That the thanks of this meeting be returned to L. Knightly and T. Powys, Esqrs. for their upright and disinterested conduct in Parliament, in supporting the plan of public œconomy and reform recommended to them by the instructions of this county, on the 29th of January last, which the House of Commons, by their resolution of the 6th of April, have declared to be their duty to provide.

“ Without entering into the causes which prevented the Honourable House from carrying into effect, by any specific measure, that salutary resolution, we are desirous in every proper method to express our earnest wishes that these important ends may be pursued, and obtained as soon as possible, for the purpose of introducing frugality into the necessary expences of the public, and effecting such deduction of superfluous charges, as may encourage this over-burthened country to submit with cheerfulness to such impositions as its well-understood interests really require, at a time when the real burthens, great as they are, have fallen so short of the object for which they were provided; and the encreasing difficulties demanding so much greater expences, nothing can reconcile the country to them, but the conviction that they are faithfully applied to the services for which they were intended, and that none are unnecessarily exempted from burthens which bear too hard upon all, by rewards or emoluments disproportioned to their services.

“ We therefore do adjourn this meeting to Thursday the 4th of January next, trusting in the vigilance of our representatives, that they will be ready to seize every opportunity

of promoting so necessary and important an object, which we shall be ready to support by every constitutional method in our power.”

*York Tavern, August 2, 1780.*

At a numerous meeting of the Committee of Association, held this day, the several following resolutions were unanimously agreed to:

Resolved, That the Right Hon. the Earl of Effingham, Charles Turner, Esq. the Rev. Mr. Walker, John Anderson, Esq. the Rev. Mr. Lawson, W. J. Joliffe, Esq. William Wallace, Esq. William Penton, jun. Esq. and William Buck, Esq. be added to this Committee.

Whereas from the late abominable outrages committed by the lowest class of the populace in London, occasion hath been taken, by persons hostile to the just rights and freedom of the people, to defame the Association of this county, and of counties and principal corporations of England, as being calculated to produce similar acts of violence, notwithstanding the express and solemn declaration of their purpose to support, *by legal and pacific methods*, the propositions for a reform in *the expenditure of public money, and for a more equal representation, and shortening of Parliament.*

Resolved, That from whatever quarter those defamatory suggestions may have come, this Committee doth hold them in contempt, as misrepresentations vainly contrived to intimidate and deter the associated bodies from the prosecution of their just and necessary plan of public reformation.

Resolved, That notwithstanding the rejection of every material regulation proposed to Parliament, during the last session, for introducing a more œconomical management of the public revenues, and effecting a proper diminution of the excessive influence of the Crown, in conformity to the wishes of the people, and to the vote of Parliament itself, on the 6th

6th of April last, this Committee doth confide in the firmness and energy of the nation, not doubting but their steady perseverance, in an orderly and legal support of the measures of their respective Associations, will, in due time, be found effectual to obtain a complete redress of those alarming evils; and also to correct the inveterate abuses in the *duration* and *representation of Parliament*, which are the true origin and source of all our national grievances.

Resolved, That if on any future unhappy interruption of the public peace, orders shall be issued to the military force to disarm peaceable subjects, being Protestants, under any pretence of example on precedent drawn from any order given to that effect during the late tumults in London, such orders ought not to be complied with, being contrary to the natural right of self-defence, contrary to the positive law of the land, and directly tending to the utter ruin of our liberties, by the introduction of a military government.

Resolved, That the interference of the military for the suppression of riots, not under the direction of the civil magistrate, but at the discretion of their commanding officer, is a dangerous deviation from the usual and constitutional practices during the reigns of the two first Princes of the House of Hanover, which the most urgent and evident necessity alone can render excusable.

Resolved, That however the order for the interference of the military at their discretion for the suppression of the late riots in the metropolis, may have been unavoidable, from the pressing circumstances of the case, viz. from the greatness of the danger, and the intimidation of the magistracy, from the due execution of their office in maintaining or restoring the public peace; yet the extension of similar orders to the army in other parts of the kingdom, where

no pressing danger actually exists, and where no reluctance in the magistracy to perform their duty can be reasonably suspected, cannot be defended on any real ground of necessity.

Resolved, That it is the dearest interest of every private subject, as well as his bounden duty, by the law of the land, to exert himself according to his utmost ability, to maintain the peace of the country, so that good order may, without the aid or interposition of any military force, be effectually preserved within the same.

Resolved, That this Committee doth most earnestly recommend to all substantial house-holders to be ready and prepared, on the first appearance of any riotous commotions, to assist in maintaining peace and good order, under the direction of the civil magistrate.

Resolved, That this Committee will, at a future meeting, proceed to a nomination of delegates to attend in London next winter, to communicate with the delegates of other petitioning or associated bodies, on the means of carrying into effect the objects of their petitions or associations.

C. WYVILL, Chairman.

Rev. Mr. WYVILL, Chairman.

Mr. Strickland, Rev. Mr. Mason, Mr. Marriott, Rev. Mr. Dealtry, Mr. P. Milnes, Mr. Lloyd, Sir R. Hildyard, Mr. Place, Mr. Micklethwaite, Rev. Mr. Yarker, Mr. Croft, Mr. Croft, jun. Mr. Morritt, Rev. Mr. Comber, Sir W. St. Quintin, Mr. C. St. Quintin, Mr. Hildyard, Mr. Courtney, Rev. Mr. Cayley, Rev. Mr. Dixon, Mr. Rawson, Mr. Booth, Rev. Mr. Robinson, Mr. Baynes, Mr. Baynes, jun. Mr. Poljambe, Sir J. Norcliffe, Mr. S. Walker, Rev. Mr. Carver, Mr. Duncombe, Mr. J. S. Smith, Mr. Cradock, Mr. Edmunds, Mr. Tooker, Mr. Stovin, Earl of Effingham, Dr. Swainston, Mr. Elley, Rev.

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Mr. Zouch, Mr. L. S. Lascelles, Rev. F. Dodsworth, Mr. Cotton, Rev. Mr. Preston, Mr. Dring, Mr. Hayes, Rev. Mr. Wilkinfon, Mr. Dixon, Mr. R. S. Milnes, Mr. Shore, Mr. William Jackson, Mr. Athorpe, Mr. Mathews, jun. Sir John Coghul, Mr. James Milnes, jun. Mr. Bell.

The Committee of Association, which met on Wednesday at the York Tavern, was very numerous, and we are happy to say, that the greatest unanimity prevailed in all their deliberations.

*York-Tavern, August 3, 1780.*

At the adjourned meeting of the Committee of Association,

Resolved, That as we do not flatter ourselves that the commission of accounts, appointed by the late act, promises the public that effectual redress which it wishes, Mr. Burke be desired to present again, in the next session of parliament, his bill "for the better regulation of his Majesty's civil establishment, and of certain public offices; for the limitation of pensions, and the suppressing of sundry useless, expensive, and inconvenient places, and for applying the monies saved thereby to the public service;" and that the Chairman be requested to write to Mr. Burke accordingly.

C. WYVILL, Chairman.

*The following letter was sent by Mr.*

WYVILL, *Chairman of the Committee, to the Right Hon. the Earl of EFFINGHAM.*

"MY LORD,

"By order of the Committee of Association, I have the honour to communicate to your Lordship the vote which admits you a Member of their body.

"When the Committee first met to deliberate on a plan for a Parliamentary reform, in order to give security to our common liberty, they thought it, in the earlier stages of

that business, improper to admit members of either House of Parliament, as well out of delicacy to the members themselves, as from other obvious considerations; but now, when that plan has been maturely digested and settled, such objections no longer subsist, and therefore it is with the greatest pleasure that they admit your Lordship (who has already honoured the Association with your signature) to take a part in their deliberations.

I have the honour to be, &c.

C. WYVILL, Chairman.

*York, Aug. 3.*

A similar letter was sent to Charles Turner, Esq.

*New-York, June 21.* Last Saturday, the 17th, his Excellency General Sir Henry Clinton arrived here in perfect health, from Charles-town.

*New-York, June 17.* Last night arrived at the watering-place Vice-admiral Arbuthnot, in perfect health, from Charles-town.

*Philadelphia, June 17.* Last Wednesday evening arrived Lieutenant-colonel Ternant, with the following dispatches from Major-general Lincoln to Congress:

*Charles-town, May 24, 1780.*

"SIR,

"The inclosed papers will inform Congress of each important circumstance which has occurred in this department since I did myself the honour to write to them on the 9th ult. by Mr. Cannon.

"They will hereby observe, that after every effort and exertion made by a handful of brave troops, contending with numberless hardships and difficulties (to all which they most cheerfully submitted) we were reduced to the sad necessity of treating with Sir Henry Clinton, and acceding to the terms of capitulation which accompany this letter.

"I shall

" I shall not at present go into a detail of the matter, as I expect to reach Congress before this: but should I not, Lieutenant-colonel Ternant, who is the bearer of this letter, will be able to give a minute state of things: I must beg leave therefore to refer Congress to that gentleman, and to assure them, that his steady attention to duty, and zeal for the service, entitle him to every respect.

" I have the honour to be, with the highest regard and esteem, your Excellency's most obedient servant,

B. LINCOLN.

" P. S. Lieutenant-colonel Ternant will be able to inform Congress what has caused so much delay in getting off the dispatches.

*Return of the killed and wounded during the siege.*

Killed, 1 Colonel, 1 Aid-de-camp, 6 Captains, 3 Lieutenants, 10 Serjeants, 68 rank and file, continentals—wounded, 1 Major, 2 Captains, 5 Lieutenants, 18 Serjeants, and 114 rank and file, continentals.

The militia and sailors, being in a different part of the town, suffered no loss.

*Return of the continental troops, prisoners of war, including sick and wounded.*

Major-general Lincoln.

Brigadiers: Moultrie, M'Intosh, Woodford, Scott, Du Portail, Hogan.

Colonels 9, Lieutenant-colonels 14, Majors 15, Captains and Captain-lieutenants 84, second Lieutenants and Ensigns 32.

Non-commissioned officers 209, drums and fifes 140, rank and file 1977.

The number of deserters from our army, from the 29th of March to the 12th of May, amounted only to 20.

Published by order of Congress,

CHARLES THOMSON, Secretary.

*An account of the operations of the royal army in Jersey. By a British Officer. From the New-York Gazette. Elizabeth-town, June 20, 1780.*

On Tuesday the 6th inst. the troops made their first landing upon Elizabeth-town meadows, and were crossed over by divisions in succession from Staten-Island, with some light artillery, taking their route by Elizabeth-town and Connecticut Farms, towards Springfield. Dayton's regiment, receiving intimation of our approach, retired with precipitation, as did also the other Jersey regiments which compose Maxwell's brigade, from their position near Camp's; the militia of the country, although incapable of making any fixed resistance, did their utmost to incommode the troops upon their march, and collecting from different quarters, they assembled in some force in the vicinity of Springfield, forming a junction with the Jersey brigade at that place, and it is said that in the course of Wednesday the 7th inst. they were supported by another brigade detached from Morris-town.

The troops halted upon some heights beyond Connecticut Farms, where they were ordered to take post till such time as the remainder of the artillery, the provision and other waggons, with the corps which brought up the rear, joined the army. From this circumstance it is probable the enemy conceived, that whatever might have been the original plan, it was intended to penetrate no further. Increasing in numbers, they used every exertion in their power, in flying parties, to fire upon the advanced picquets, and during the course of the day, they made different attacks upon a body of Jagers, which was advanced upon the Springfield-road; this produced much firing upon both sides.

During the course of the evening, it is reported that information was received from the southward, which rendered

rendered it expedient to defer the object in agitation, and about two hours afterwards the troops returned towards Elizabeth-town, without a single shot being fired, taking post upon the heights near the point.

On Thursday the 8th inst. the enemy advanced in some force to Elizabeth-town, and made an attack upon the 22d regiment, which was posted some little distance in front of the line; this regiment was ordered to fall back, and the enemy conceiving it was the rear-guard of the army, they advanced with some rapidity, but were soon checked, and retired with precipitation.

The loss sustained during the course of this service is inconsiderable.

Whilst the troops were advancing to Connecticut Farms, the enemy fired out of their houses, agreeable to their usual practice, from which circumstance Mrs. Caldwell had the misfortune to be shot by a random ball; what heightened the singularity of this lady's unhappy fate, is, that upon enquiry it appears, that the shot was fired by the enemy, as it entered the side of the house from their direction, and lodged in the wall nearest to the troops, then advancing. The manner in which they aggravate this unfortunate affair, in their publications, is of a piece with their uniform conduct. Whatever may be the humane wishes of the Commanders, human nature at times, steps over the barrier of discipline, and men of judgment and candour, in the great scale of political reasoning, do not wonder at occurrences, which their private feelings shrink at; such are the effects of intestine divisions; miserable is the fate of that country, which is the theatre of such a quarrel, and accursed is the man, or the set of men, who, from motives of private lucre, or inordinate ambition, have fanned a flame, which, if they were wil-

ling, they are now perhaps unable to extinguish.

*New-York, June 17.* Vice-Admiral Arbuthnot has made the following changes and promotions in the Royal Navy; Captain Evans, late of the *Raisonable*, is appointed Commander of the *Boston*, rebel frigate, of 28 guns, now named the *Charles-town*. Capt. Henry, late of the *Vigilant* and *Fowey*, to that of the *Providence*. Capt. Child, late of the *Pacific*, to that of the *Raisonable*, of 64 guns, vice Capt. Evans. Edmond Bowers, Esq. first Lieutenant of the Admiral's flag ship the *Europe*, to that of the *Ranger*, of 18 guns; she is now named the *Halifax*. Capt. Douglas, late Lieutenant of the *Roebuck*, is appointed acting Captain of the *Roebuck*, vice Sir Andrew Hammond.

The following troops compose the garrison of *Charles-town*.

British. The Royal English fusiliers, the 63d and 64th regiments.

Hessian. The regiment of Dittfour, and regiment of Huyn.

*New York, June 14. Extract from the protest of Capt. JOHN COULTHARD, of the letter of marque ship Watt, belonging to Liverpool, that arrived here with a cargo of merchandize on the 11th instant.*

"On the 1st day of June, being in latitude 35 deg. 54 min. N. and long. 66 deg. W. from the meridian of London, at ten o'clock, A. M. saw a large ship under the lee bow, bearing N. W. by W. distant about three or four miles, supposed her to be a rebel vessel bound to France, and immediately bore down upon her. When she perceived we were standing for her she hauled up her courses and hove too. We then found her to be a frigate of 34 or 36 guns, and full of men, and immediately hoisted our colours and fired a gun; she at the same time hoisted Saint George's colours; and fired a gun to leeward. We then took her for



for one of his Majesty's cruising frigates, and intended speaking to her; but as soon as she saw we were getting on her weather quarter, they filled their topsails and stood to the eastward. We then fired five guns to bring her to, but she having a clean bottom, and we foul, and a cargo in, could not come up with her: therefore, finding it a folly to chase, fired two guns into her, and wore ship to the westward, at the same time she fired one gun at us loaded with grape shot and round, and wore after us; perceiving this, we immediately hauled up our courses and hove too for her, she still kept English colours flying, till she came within pistol shot, on our weather quarter, she then hauled down English colours, and hoisted rebel colours; upon which we instantly gave her three cheers and a broadside, she returned it, and we came along-side one another, and for above seven glasses engaged yard arm and yard arm; my officers and men behaved like true sons of Old England. While our braces were not shot away, we box-hauled our ship four different times, and raked her through the stern, shot away her main-topmast, and main yard, and shattered her hull, rigging, and sails very much. At last all our braces and rigging were shot away, and the two ships lay along-side of one another right before the wind; she then shot a little a-head of us, got her fore-sail set, and run, we gave her t'other broadside and stood after her, she could only return us two guns. Not having a standing shroud, stay, or back-stay, our masts wounded through and through, our hull, rigging, and sails, cut to pieces, and being very leaky, from a number of shot under water, only one pump fit to work, the other having been torn to pieces by a twelve pound shot, after chasing her for eight hours, lost sight, and made the best of our way to this port. We had eleven

men killed, two more died the next day, and seventy-nine wounded."

The New-York paper, of June 21, contains the following paragraphs, relating to the above English ship:

"The gallant behaviour of Capt. Coulthard, and the crew of the Watt letter of marque, meets with universal applause. Major-general Pattison, on the arrival of the ship, with the utmost politeness and humanity, ordered the wounded men to be received into the general hospital, where they have every attention paid to them by Dr. Nooth, and the other gentlemen of the faculty. It being represented to Admiral Arbuthnot, that a mast of a size large enough for the ship Watt could not be purchased in this city, his Excellency was so obliging as to order one to be spared out of the King's naval yard; the Admiral has also exempted the crew from being impressed, and was kind enough to signify that every protection and assistance might be expected from him. To these indulgent marks of attention may be added the uncommon sensibility, admiration, and applause of the public. A very liberal subscription having been for the benefit of the wounded men, and for the purchase of a piece of plate, which will be presented to the highly meritorious and truly renowned Commander."

*Extract of a letter, dated Middletown, May 23.*

"Governor Trumbull received an express from General Wadsworth yesterday, desiring him to forward a large quantity of provisions to New-London immediately, as a fleet might be expected there in a few days, and this day another express went through this town, with a packet for the Governor, wrote in French, sent from the sea-side."

*Boston, May 18.* We are authorized to assure the public, that Captain

la Touche, Commander of his Most Christian Majesty's frigate the *Hermione*, soon after his arrival, sent a letter to the Council of this State, of which the following is a translation:

"SIR,

"It being the intention of his Majesty the King of France, that his ships of war and frigates should, upon all occasions, promote the service of the United States, I am sure I act in conformity to his pleasure in making to you, Sir, the offer of going into the bay, with the frigate I command, in order to keep off, engage, or take, any English privateer or frigate that may come to intercept the trade of this State. I shall accordingly have the honour to send, every morning, an officer from on board my ship to the General Assembly, who shall have it in charge from me to receive your orders. I have thought there might be occasions in which my services might be of use to this State, while I am waiting for the instructions of his Excellency the Minister Plenipotentiary of France. I cannot sufficiently express, Sir, how great my satisfaction will be in embracing such occasions, and in giving every proof of my attachment and entire devotion to the cause of America.

"I have the honour to be, &c."  
*The Hon. Jeremiah Powell, Esq.*  
*President of the Council of*  
*Massachusetts-Bay.*

*Extract of a letter from Shippensburg, in Pennsylvania, dated the 22d instant.*

"We had intelligence last night, that the Indians have killed 25 persons on Yellow Creek, near Bedford; Mr. Robert Chambers, jun. is said to be amongst the slain.

"The brave Colonel Broadhead, with a considerable body of expert and other troops, is preparing for a speedy expedition against those sa-

vage enemies, who are laying waste the frontiers of Pennsylvania."

*Chatbam, May 3.* The savages, with Guy Johnson at their head, have been very troublesome on our frontiers of late, and committed the greatest depredations and most wanton cruelty on the Mohawk river; but as General Clinton is detached with his brigade to that quarter, we hope Mr. Johnson, with his Indian tribe, will soon be reduced to their primitive obscurity.

*Philadelphia, June 7.*

*In General Assembly of Pennsylvania, Wednesday, May 31, 1780.*

Agreeably to the order of the day, the House went into the election of two Delegates in Congress, when Jared Ingersol and Timothy Matlack were chosen by ballot, in addition to John Armstrong, and James Searle, James M'Leane, and Frederick Muhlenburg.

*Thursday, June 1, 1780.*

Whereas the exigencies which may arise in a state of war, are frequently of a nature that require such sudden and extraordinary exertions, as are impossible for the legislative body to provide for by the ordinary course of law: therefore,

Resolved unanimously, That during the recess of this House, should the circumstances of the war make it necessary, the President or Vice-President in Council be authorized and empowered, to declare martial law, so far as the same may be conducive to the public security, and to the safety and defence of the good and faithful citizens of this Commonwealth.

Extract from the minutes,

THOMAS PAINE,

Clerk of the General Assembly.

*In COUNCIL, Philadelphia, June 6, 1780.*

Whereas in the the present state of public affairs, it may be necessary to make extraordinary exertions for the supply of the army, and supporting

porting other measures which may be adopted for the safety and security of the State in its freedom and independence; and it will be just and reasonable that, in the execution of such measures, a discrimination should be made between those who have manifested their attachment to their country, in the present contest with Great Britain, and those of a contrary character: whereupon,

Resolved, That it be recommended to all persons who have shewn their allegiance to the State, by taking an oath or affirmation of fidelity to it, and of their abjuration of the King of Great Britain, to keep their certificates thereof ready to be produced on the shortest notice: and to all persons who have lost their certificates, to obtain duplicates, or to give such assurances, so as to obtain certificates, or they may be in danger of losing the indulgence and distinction to which they are justly entitled.

Extract from the minutes,

T. MATLACK, Secretary.

*In COUNCIL, Philadelphia, June 6, 1780.*

Whereas the residence of the wives and children of those persons who have joined the enemy has at all times proved inconvenient to the public interests, in consequence of the correspondence and intercourse which had been constantly preserved; and as it has become too dangerous to be longer permitted or connived at,

Resolved, That public notice be given to such persons, that they depart this State within ten days; and any of them remaining after that time, will not be deemed as entitled to any protection, but liable to be proceeded against as enemies of the State.

Extract from the minutes,

T. MATLACK, Secretary.

VOL. X.

*Fish-Kill, June 8.* We are informed by a gentleman from Hackensack, that on Tuesday morning, the 8th ult. about an hour before day, three or four hundred of the enemy made their appearance at the New Bridge, with design, as is supposed, to surprize a guard of militia; half of them forded the river about a mile above the bridge, the remainder crossed it; but were disappointed, as our guard received intelligence of their approach, and retired. The two divisions of the enemy, meeting near the bridge, each supposed the other to be the guard, began the attack like true veterans, exchanged several shot, and proceeded to fixed bayonets, when they discovered their mistake, and immediately retired, taking with them ten men dead, and several wounded.

By the latest intelligence from Schenectady, we are informed, that Sir John Johnson, (who styles himself Lieutenant-colonel, commanding the King's Royal Yorkers, in the paroles given to some of the prisoners) on Lord's day evening, the 21st ult. made his first appearance at Johnson-hall, undiscovered by any but his friends, who, no doubt, were in the secret.—On Monday, about day-break, they began to burn all the houses, except those of the Tories; beginning at Aaron Putnam's, below Tripe's-hill, and continued burning to Anthony's Nose, or Acker's house, except a few, which, by the vigilance of the people, were put out after the enemy had set them on fire. There are burnt about thirty-three houses and out-houses, and a mill; many cattle were killed in the field, and sixty or seventy sheep burnt in a barn. Eleven persons were killed. Colonel Fisher and his two brothers were killed and scalped; the Colonel went up stairs, and there defended himself, but being overpowered,

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powered; was knocked down and scalped; on which they plundered the house, set it on fire, and then went off. The Colonel revived a little, though he was left by the enemy for dead; he pulled one of his dead brothers out of the house, then in flames; the other was consumed in the house. It is said the doctors have hopes that Col. Fisher will recover: his mother had a narrow escape for her life, being knocked on the head by an Indian. Captain Hansen was killed by an Indian, who had formerly been used by him with kindness, and professed much gratitude. Old Mr. Fonda was cut in several parts of his head with a tomahawk. Had it not been for the alertness of Major Van Vrank, probably more would have been killed by their savage hands; he alarmed the people along the way to Caghna-waga, who by crossing the river saved their lives. Having done all the mischief to the distressed inhabitants they possibly could, they returned to Johnson Hill in the afternoon, when Johnson dug up his plate, and about sun down marched for the Scotch Bush, about four miles that evening. He has got fifteen or twenty of his negroes, who had been sold. Several of his tenants and others are gone with him. He has permitted some of his prisoners to return on parole. His whole force when he landed at Crown Point, is said to be about five hundred men, two hundred of them British, part of his own regiment, and Indians. Captain Putman and four men followed them in their retreat four days, on their way to Lake Champlain. He saw him twenty-four miles from Johnson-Hall; some think they will take their route to Oswagarchie; but it seems probable, as they have not provision sufficient with them. His Excellency the Governor has collected a body of militia to intercept their way to Lake Champlain. A number have also marched from the

New-Hampshire Grants, for the same purpose: Col. Van Schaick, with eight hundred men, is in pursuit of him by the way of John's-town. We hear the enemy had their feet much swelled by their long march; and being greatly fatigued, it is hoped our people may come up with, and give a good account of the Lieutenant-colonel.

On the casting up of the ballots of the late election for Governor, his Excellency George Clinton, Esq. was found to have three thousand two hundred and sixty-four more than any other candidate.

*New-York, June 10.* By authentic intelligence from Albany, we learn, that Sir John Johnson, with a strong party in the neighbourhood of John's-town. He burnt several houses on the banks of the Mohaw river, between his own house and the village of Stonearabic, about the 21st and 22d of May, and had a skirmish, in which some of the militia were killed, and between 20 and 30 taken prisoners. Among them were Col. Vischer, and Jellis Fonda, and two brothers of each, with others. Fonda was a senator of the government at Poughkeepsie.

We learn also from the Wall Kill, that there is another party under Messrs. Butler and Brant, in the western parts of Ulster county.

In consequence of several houses being lately burnt on the Mohawk's river, by the Indians, under the command of Sir John Johnson, a number of the inhabitants are ordered up to that country, under the command of Gen. James Clinton.

*Boston, May 15.* The public may rely that the following is a genuine letter from Colonel Campbell, who was some time past a prisoner in this State, and who afterwards commanded the British troops that first took post in Georgia. This letter was found in a prize lately brought in here, and we give it faithfully to our readers from the original.

*London,*

London, 15th January, 1780.

"MY DEAR HUGH,

"In my last I informed you, that the defence of Savannah gave great satisfaction here, and it has had a very grand effect upon the minds of the people, whose spirits were down, on account of the length of time which elapsed without any effort even to do good; and though this was in some measure no more than a gallant defence, yet it made an impression almost equal to what a victory would have done. The plan which is now understood to be determined upon here for carrying on the war, is to take a certain number of posts in America, in such a way as to command the trade of the country, and to have no other object in America than the maintaining these posts, and the ruling of the trade by our fleets. The posts said to be fixed upon are Halifax, Penobscot, New-York, Charles-town, Portsmouth in Virginia, Savannah, and St. Augustine; to accomplish which we imagine that you are now employed in taking Charles-town, and establishing a post at Portsmouth. These objects being accomplished, we understand 12,000 men are to be detached to the West-Indies, which is to be the active seat of the war against the French and Spaniards. It is evident, that unless we can carry on an active and defensive war against them abroad, we can never succeed or do well. Last campaign we were all defensive, and every thing went badly with us. I never wish to see such another campaign. We will be anxious, however, to know what our wise heads in America will think of this plan for the American war. To be sure, the more troops you can spare from thence, to drub the common enemies, the better; yet I fear the number mentioned is more than you can give, after putting the posts mentioned into a proper condition.

"We have had nothing new of any moment going on since I wrote to you. Indeed Parliament has been adjourned all the time, which prevents our learning so much as we otherwise do of the state operations.

"It is believed by many that there is an alliance formed between us and Russia, and I am inclined to believe that that either is the case, or that there is a treaty in forwardness. They can very well spare us twenty ships of the line, which would enable us to detach a great sea force to the West-Indies; indeed it would completely restore us to the superiority of the seas. There is nothing settled yet between us and the Dutch about our right of searching their ships. I expect our Court will persist in this right, and I do not imagine the Dutch will choose to go to war with us.—Farewell, my dear boy, I am ever unalterably your's,

A. CAMPBELL."

*Lieut. and Adjutant Hugh  
Campbell, 2d battalion,  
71st reg. Georgia.*

*New-York, June 1.* A little while ago a letter of marque was taken off Martinique, and among the papers found was a plan of operations, by which it appeared, that an attack was to have been made on St. Christopher's. Upon this, orders were given by General Vaughan for the 55th regiment to be ready to embark at a moment's warning for St. Kitt's. The Council and Assembly addressed his Excellency General Vaughan, that he would suffer the St. Kitt's regiment to stay here; to which the General replied, if they would insure St. Kitt's he would.

*New-York, June 3.* The new redoubts near the East-river, which the associated and militia companies of the city, have been, with such lasting credit to themselves, employed in raising, being now in a very satisfactory manner completed on their part, Major-general Patison returns them

them his thanks for this fresh instance he has received of their readiness and good-will, to contribute their aid, in forwarding the public service.

By order of the Commandant,

STEP. ADYE, Aid de Camp.

*An account of the engagement between his Majesty's ship Iris, Captain Hawker, and a French frigate of 36 guns.*

At 4 A. M. Tuesday, June 6, the Iris sailed from Sandy-Hook; at 2 P. M. same day, she fell in with two privateer sloops, one bore up to the Northward, which she chased and run ashore on Long Island, where she now lays a wreck. At half past 4 A. M. Wednesday, chased a brig privateer, as we supposed, to the Southward, at 6 left off chasing her, and chased a sloop and schooner privateer to the northward. At half past 7, saw a large sail on the lee-bow, steering to the Westward, left off chasing the privateers, and chased her. At 8 she tacked, and stood towards the Iris, and soon after hoisted French colours. At 20 minutes before 9, crossed each other, and exchanged broadsides, bore up and continued a close action under top-sails. At 10 the French frigate set her courses, top-gallant-sails, and and studding-sails, and made off. The Iris made what sail she possibly could after her, but all the running rigging being entirely shot away, her masts, yards, sails, and standing rigging, being likewise much damaged, prevented her being able to set studding-sails, by which the French frigate gained much ground of her. At 40 minutes past 10, saw another large sail a-head, which the Iris supposed was her consort, by the frigates firing a signal gun, and taking in her fore-top-gallant studding-sail, the Iris thought it prudent, in the shattered condition she was in, to haul her wind to the Southward, at which time her fore-top-sail-yard broke. The Iris had 7 men killed,

and 9 wounded, one of which is since dead. She is supposed to be the Hermione, copper-bottomed French frigate, of 36 guns, from Boston.

Annapolis, May 26.

*Extract of a letter from the Congress to his Excellency Governor LEE, May 11, 1780.*

[Circular.]

"SIR,

"The Congress have received authentic information, that his Most Christian Majesty is preparing to send a powerful naval and land force, to some part of the continent of North America. This force generously calculated either to produce a diversion in our favour, or to forward the operation of our arms, by being directed to the same object, may either, by our exertions, be made the means of delivering our country in the course of the campaign from the ravages of war, or being rendered ineffectual, through our supineness, serve only to fully the reputation of our arms, to defeat the benevolent intention of our great ally, and to disgrace our confederacy in the eyes of Europe.

"Every state, that reflects upon the depreciation of the currency, and their own deficiency in the payment of their taxes, must necessarily conclude, that the Treasury is exhausted. The military departments are at a stand for want of money to put them in motion. The Congress have no resources, but in your spirit and virtue; upon this they confidently rely. You know the value of the prize for which you contend, nor need you be informed how much you are interested in a speedy termination of this distressing and expensive war.

"But as the smallest disappointment in the requisitions they make, may be attended with most serious consequences, they have endeavoured to limit their demands, as not to exceed your power to comply with them."

Providence,

*Providence, May 27.*  
*Extract of a letter from New-London,*  
*May 23.*

" Captain Champlin has just arrived here in seventeen days from Point Petre, Guadaloupe. He reports, as do several other masters of vessels, passengers with him, that the French had much the best in the late action off Dominica on the 16th ult. one of the English ninety gun ships lost her foremast, and several others were much disabled. The French fleet kept the sea, and the English put back to St. Lucia. The French landed their sick and wounded at Basseterre, Guadaloupe; they had six thousand troops on board. The 18th they were seen to windward off Guadaloupe, said to be bound to attack Barbadoes. Such of the British fleet as were able to put to sea again, were on the 30th seen to leeward."

The Printer of the New-York Gazette, in his paper of June 3, reasoning on the above article, says, " The object of the Count de Guichen, Admiral of the French fleet, was to make a descent on the island of Barbadoes, carrying seven thousand land forces on board twenty-five line of battle ships for that purpose. The intention has, by Admiral Rodney, been defeated."

*New-York, May 26.* Last Monday afternoon Colonel Delancey with a party of refugees, made an incursion of about thirty miles into the enemy's country. The foot took post at Byron Bridge, while the horse passed Sherwood's Bridge, and proceeded to Horseneck, where a party of the enemy were stationed—they immediately attacked them, killed eight, took prisoners a Lieutenant, a Commissary, a Mr. Knap, a Presbyterian Minister, and thirty-six rank and file, also destroyed a piece of cannon. Lieutenant Knip, with a small detachment under his command, six prisoners at another

place; the loss of the enemy would have been greater had it not been for a wood near where they lay, in which they took shelter, and where Delancey's horse could act. The loss the refugees sustained was Captain Fowler, a brave and gallant officer, who was killed where the piquet guard was posted.

*Friday, Aug. 11.*

The following interesting correspondence, between the King of Prussia and the present Elector of Cologne, relative to the election of a Coadjutor or future successor, in the electorate of Cologne, in the bishoprick of Munster, which came on the 16th of August, has been communicated to us from good authority:

*A letter of the Elector of Cologne to the King of Prussia, dated Augustus-burg, June 9, 1780.*

" I received your Majesty's letter, dated the 30th of last month, together with another, addressed to the Chapter of Munster. The Envoy von Emminghan has likewise delivered to me the message your Majesty entrusted him with, relating to an intended election of a Coadjutor in both my bishopricks, and I have considered of it with that perfect confidence which I repose in your Majesty. The Court of Vienna has, without doubt, notified to your Majesty the wish of our beloved the Archduke Maximilian, hitherto Coadjutor of the Teutonic order, to be established in a principality or electorate of the empire, and has amicably entreated your Majesty to lend him your powerful assistance.

" The various steps which have been taken on this account, and which have been represented to me; my sincere wish to establish, as much as in my power, the welfare of my subjects; the kind and equitable request made to me by the Imperial Court, in regard to Prince Maximilian,

lian, together with the particular confidence which I place in this Prince, who is endowed with so many eminent qualities, and which to my great satisfaction, even my chapters and territories seem to place in him, have induced me to resolve upon having a Coadjutor. Your Majesty, in your great judgment, will easily perceive, that the election of this Prince, which I, upon mature deliberation, have resolved upon (and which will take place, according to the strictest rules of a free election, to which I and the bishopricks are entitled, agreeable to the constitution of the Roman empire) will not be attended with the least detriment to the peace and happiness of this empire: on the contrary, I am persuaded from frequent instances recorded in history, that princes, descended from high and illustrious ancestors, when they have been chosen sovereigns of ecclesiastical principalities, have always promoted the peace and interest of their dominions; and I hope that mine, under such a successor, will derive the same advantages; especially as it is well known, that the Chapter and states are always consulted on matters of so great importance.

"I therefore hope your Majesty, according to your wonted magnanimity and equity, which are known to all the world, will honour with your approbation my intentions, which in regard to the constitution of the empire, and the connections with the neighbouring respectable powers, are inoffensive and indifferent; and do justice to those sentiments of respectful regard with which I am, &c.

MAXIMILIAN FREDERICK,  
Elector.

*His Prussian Majesty's Answer to the  
Elector of Cologne.*

"Your Electoral Grace has communicated to us, in your letter, dated June 9, some reasons which

have determined you for an election of a Coadjutor in your bishopricks, in favour of the Archduke Maximilian, and which in your opinion, are such, as will procure, either our assent to this intended election, or to make us indifferent about it. But we confess that these arguments are of such a nature, that we cannot forbear to lay before your Electoral Grace, the following confidential declarations and remonstrances. We, at the same time, most earnestly and sincerely recommend to your enlightened and patriotic consideration, some observations, which deserve your noble attention.

"In the first place, the Court of Vienna has not, as your Electoral Grace supposes, given us the least intimation of its intentions respecting the Coadjutory of Cologne and Munster, though it has been done to other courts and states that are less interested in it. We have no objection to the election; but we cannot be blamed if we are not indifferent about the person in whose hands and under whose government these bishopricks are.

"We are well acquainted with the eminent and illustrious qualifications of the Archduke Maximilian; we also do not deny either him or the illustrious House of Austria, any advantages which are consistent with the welfare and the constitution of the German empire: but, it cannot escape the penetration of your Electoral Grace, how dangerous the consequences might be for the Germanic constitution, to have the dignities of two electorates united in the House of Austria, and an archbishoprick and a bishop's see in the person of one of its princes. It would influence the affairs of the empire, and make these bishopricks too much dependent; for they would be entirely governed by the measures of the Imperial Court, and their interest would be blended at all times with the  
views



views of the Court of Vienna; they would be drawn into every feud and war, and into every political dispute, in which the House of Austria might take a part; they would be concerned in all the broils of the Germanic body, as well as of all Europe; and they would lose all the confidence of the neighbouring States, being considered as a province dependent on, and closely connected with the House of Austria.

"The true welfare, liberty, and independence of German episcopal sees, on whose preservation the constitution of the German empire partly depends, require, that they should be governed by prelates, who, for themselves, have no particular power or interest, but what is derived from their bishopricks. We can appeal more to facts than to your Electoral Grace's reasons, that these bishopricks have been more benefitted by those princes who were chosen from among their own capitulars, than from powerful and illustrious families.

"It is this which we, in the present instance, wish, expect, and think conducive, towards the welfare of these bishopricks, and the whole Roman empire.

"Our intentions and views, in this respect, are pure and sincere; we are far from recommending to the chapters a candidate, or to force one upon them. Whoever they should choose out of their own body, shall be acceptable to us; and if they choose none, it will be equally agreeable; indeed it appears to us as if there was no necessity for such an election, since your Electoral Grace is not yet so far advanced in years. In short, we have not the least intention of limiting the liberty of election; but if others should think proper to do it, we shall protect the Chapters against intrusions, thinking ourselves in duty bound to act in this manner as one of the Electors and

Princes of the empire, and being justly entitled to take such a step, as one of the presidents of the circle of the Lower Rhine and Westphalia.

"As far as we know it is against the canonical law, the statutes of the Chapters; and episcopal capitulation, as well as against our constitution in church or state, that a secular or any other power should prescribe or recommend, and thus obtrude a candidate; or that votes should be procured by means that are diametrically opposite to the laws of the church; or that a question, Whether an election of a Coadjutor ought to take place? should be decided without previously assembling the Chapter. The decision of the Pope, in 1763, relating to the contested election of a Bishop of Liege, shews very clearly, that unlawful means of procuring votes make an election void.

"Whenever a trespass against the constitution of the Church or Chapter is committed, and an election is procured by a pretended majority, such an election would be, in itself, irregular and void, and those that voted on the contrary side, would be entitled to the assistance and interposition of the empire, and every patriotic prince that belongs to it—and what disagreeable consequences would not arise from all this to your Electoral Grace, and to the bishopricks and their subjects, which are entrusted to your care, and about whose welfare you so very justly seem to be concerned?

"We therefore repeat it once more, and your Electoral Grace cannot blame us for it, that, considering the situation of our kingdom, and particularly of our territories in the circle of Westphalia, we can by no means be indifferent about the election of a Prince of so powerful a House as that of Austria. We, therefore, once more intreat you most earnestly and sincerely, not to be in  
too

too great haste in matters of so much concern, and rather to re-consider the business, and prefer the welfare of the empire, and of your circle and bishopricks, to all other considerations whatever; to quiet the minds of us, and of other Princes who are of the same opinion with us, and to continue, as hitherto, in our friendly and neighbourly intercourse. In hopes that you will approve of these sentiments, we remain, &c.

FREDERIC."

*Berlin, July 20, 1780.*

*DECLARATION of the King of DEN-  
MARK and NORWAY, to the Courts  
of London, Versailles, and Madrid.*

If the most exact and perfect neutrality, with the most regular navigation, and the most inviolable respect to treaties, could have kept free the commerce of the subjects of the King of Denmark and Norway, from the inroads of the powers with whom he is at peace, free and independent, it would not be necessary to take measures to insure to his subjects that liberty to which they have the most incontrovertible right. The King of Denmark has always founded his glory and his grandeur upon the esteem and confidence of other people. It has been his rule, from the beginning of his reign, to testify to all the powers, his friends, a conduct the most capable of convincing them of his pacific intentions, and of his desire to contribute to the general happiness of Europe. His proceedings have always been conformable to these principles, against which nothing can be alledged; he has not, till now, addressed himself, but to the powers at war, to obtain a redress of his griefs; and he has never wanted moderation in his demands, nor acknowledgments when they have received the success they deserved; but the neutral navigation has been too often molested, and the most innocent commerce of his sub-

jects too frequently troubled, so that the King finds himself obliged to take proper measures to assure to himself and his allies, the safety of commerce and navigation, and the maintenance of the inseparable rights of liberty and independence. If the duties of neutrality are sacred, the law of nations has also his rights avowed by all impartial powers, established by custom, and founded upon equity and reason. A nation independent and neuter, does not lose by the war of others, the rights which she had before the war, because peace exists between her and all the belligerent powers. Without receiving or being obliged to follow the laws of either of them, she is allowed to follow, in all places (contraband excepted) the traffic which she would have a right to do, if peace existed with all Europe, as it exists with her. The King pretends to nothing beyond what the neutrality allows him. This is his rule and that of his people, and the King cannot accord to the principle that a power at war has a right to interrupt the commerce of his subjects. He thinks it due to himself, and his subjects, faithful observers of these rules, and to the powers at war themselves, to declare to them the following principles, which he has always held, and which he will always avow and maintain, in concert with the Empress of all the Russias, whose sentiments he finds entirely conformable with his own.

I. That neutral vessels have a right to navigate freely from port to port, even on the coasts of the powers at war.

II. That the effects of the subjects of the powers at war shall be free in neutral vessels, except such as are deemed contraband.

III. That nothing is to be understood under the denominations of contraband, that is not expressly mentioned as such in the third article of his treaty of commerce with Great Britain,

Britain, in the year 1670, and the 26th and 27th articles of his treaty of commerce with France in the year 1742, and the King will equally maintain these rules with those powers with whom he has no treaty.

IV. That he will look upon that as a fort blocked up, into which no vessel can enter without evident danger, on account of vessels of war stationed there, which form an effectual blockade.

V. That these principles serve for rules in procedure, and that justice shall be expeditiously rendered, after the rules of the sea, conformable to treaty and usage received.

VI. His Majesty does not hesitate to declare, that he will maintain these principles, with the honour of his flag, and the liberty and independence of the commerce and navigation of his subjects; and that it is for this purpose he has armed a part of his navy, although he is desirous to preserve, with all the powers at war, not only a good understanding, but all the friendship which the neutrality can admit of. The King will never recede from these principles, unless he is forced to it; he knows the duties and the obligations, he respects them as he does his treaties, and desires no other than to maintain them. His Majesty is persuaded, that the belligerent powers will acknowledge the justice of his motives; that they will be as averse as himself to doing any thing that may oppress the liberties of mankind, and that they will give their orders to their Admiralty and to their officers, conformable to the principles above recited, which tend to the general happiness and interest of all Europe.

*Copenhagen, July 8, 1780.*

*The following is the DECLARATION of the King of SWEDEN to the same Court.*

Ever since the beginning of the present war, the King has taken particular care to manifest his inten-

tions to all Europe. He imposed unto himself the law of a perfect neutrality; he fulfilled all the duties thereof with the most scrupulous exactitude; and in consequence thereof, he thought himself entitled to all the prerogatives naturally appertaining to the qualification of a sovereign perfectly neuter. But notwithstanding this, his commercial subjects have been obliged to claim his protection, and his Majesty has found himself under the necessity to grant it to them.

To effect this, the King ordered last year a certain number of men of war to be fitted out. He employed a part thereof on the coasts of his kingdom, and the rest served as convoys for the Swedish merchant ships in the different seas which the commerce of his subjects required them to navigate. He acquainted the several belligerent powers with these measures, and was preparing to continue the same during the course of this year, when other courts, who had likewise adopted a perfect neutrality, communicated their sentiments unto him, which the King found entirely conformable to his own, and tending to the same object.

The Empress of Russia caused a declaration to be delivered to the Courts of London, Versailles, and Madrid, in which she acquainted them of her resolution to protect the commerce of her subjects, and to defend the universal rights and prerogatives of neuter nations. This declaration was founded upon such just principles of the law of nations and the subsisting treaties, that it was impossible to call them into question. The King found them entirely concordant with his own cause, and with the treaty concluded in the year 1666, between Sweden and France; and his Majesty could not forbear to acknowledge and to adopt the same principles, not only with regard

gard to those powers, with whom the said treaties are in force, but also with regard to such others as are already engaged in the present war, or may be involved therein hereafter, and with whom the King has no treaties to reclaim. It is the universal law, and when there are no particular engagements existing, it becomes obligatory for all nations.

In consequence thereof, the King declares hereby again, "That he will observe the same neutrality, and with the same exactitude as he has hitherto done. He will enjoin all his subjects, under rigorous pains, not to act in any manner, whatever, contrary to the duties which a strict neutrality imposes unto them; but he will effectually protect their lawful commerce, by all possible means, whenever they carry on the same conformable to the principles here above mentioned."

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*Explanation which the Court of Sweden has demanded, relative to the proposal which the Court of Russia has made her for the reciprocal protection and navigation of their subjects.*

I. How and in what manner a reciprocal protection and mutual assistance shall be given?

II. Whether each particular power shall be obliged to protect the general commerce of the whole, or if in the mean time it may employ a part of its armament in the protection of its own particular commerce?

III. If several of these combined squadrons should meet, or, for example, one or more of their vessels, what shall be the rule of their conduct towards each other, and how far shall the neutral protection extend?

IV. It seems essential to agree upon the manner in which representations shall be made to the powers at war, if, notwithstanding our measures, their ships of war, or armed

vessels, should continue to interrupt our commerce in any manner. Must these remonstrances be made in the general name of the united powers, or shall each particular power plead its own cause only?

V. Lastly, it appears essentially necessary to provide against this possible event, where one of the united powers seeing itself driven to extremities against any of the powers actually at war, should claim the assistance of the allies in this Convention to do her justice; in what manner can this be best concerted? A circumstance which equally requires a stipulation, that the reprisals in that case shall not be at the will of such party injured, but that the common voice shall decide; otherwise an individual power might at its pleasure draw the rest against their inclinations and interests into disagreeable extremities, or break the whole league and reduce matters into their original state, which would render the whole fruitless and of no effect.

*Answer of the Court of Russia.*

I. As to the manner in which protection and mutual assistance shall be granted, it must be settled by a formal Convention, to which all the neutral powers will be invited, the principal end of which is, to insure a free navigation to the merchant ships of all nations. Whenever such vessel shall have proved from its papers that it carries no contraband goods, the protection of a Squadron, or vessels of war shall be granted her, under whose care she shall put herself, and which shall prevent her being interrupted. From hence it follows,

II. That each power must concur in the general security of commerce. In the mean time, the better to accomplish this object, it will be necessary to settle, by means of a separate article, the places and distances which

which may be judged proper for the station of each power. From that method will arise this advantage, that all the squadrons of the allies will form a kind of chain, and be able to assist each other; the particular arrangement to be confined only to the knowledge of the allies, though the Convention in all other points, will be communicated to the powers at war, accompanied with all the protestations of a strict neutrality.

III. It is undoubtedly the principle of a perfect equality, which must regulate this point. We shall follow the common mode with regard to safety. In case the squadrons should meet and engage, the Commanders will conform to the usages of the sea service, because, as is observed above, the reciprocal protection, under these conditions, should be unlimited.

IV. It seems expedient that the representations mentioned in this article be made by the party aggrieved; and that the Ministers of the other confederate powers support those remonstrances in the most forcible and efficacious manner.

V. We feel all the importance of this consideration; and, to render it clear, it is necessary to distinguish the case.

If any one of the allied powers should suffer itself to be drawn in by motives contrary to the established principles of a neutrality and perfect impartiality, should injure its laws, or extend their bounds, it cannot certainly be expected that the others should espouse the quarrel; on the contrary, such a conduct would be deemed an abandoning the ties which unite them. But if the insult offered to one of the allies should be hostile to the principles adopted and announced in the face of all Europe, or should be marked with the character of hatred and

animosity, inspired by resentment, these common measures of the confederacy, which have no other tendency than to make, in a precise and irrevocable manner, laws for the liberty of commerce, and the rights of every neutral nation, then it shall be held indispensable for the united powers to make a common cause of it (at sea only) without its being a ground-work for other operations, as these connections are purely maritime, having no other object than naval commerce and navigation.

From all that is said above, it evidently results, that the common will of all, founded upon the principles admitted and adopted by the contracting parties must alone decide, and that it will always be the fixed basis of the conduct and operations of this union. Finally, we shall observe, that these Conventions suppose no other naval armament than what shall be conformable to circumstances, according as those shall render them necessary, or as may be agreed. It is probable that this agreement, once ratified and established, will be of the greatest consequence; and that the belligerent powers will find in it sufficient motives to persuade them to respect the neutral flag, and prevent their provoking the resentment of a respectable communion, founded under the auspices of the most evident justice, and the sole idea of which is received with the universal applause of all impartial Europe.

*St. James's, July 29.*

Yesterday the Right Hon. the Lord Mayor, the Aldermen, Sheriffs, and Common Council of the city of London, waited upon his Majesty (being introduced by the Earl of Hertford, Lord Chamberlain of his Majesty's household) with the following address, which was read by Thomas Nugent, Esq. the Common Serjeant:

X 2

To

*To the King's Most Excellent Majesty.  
The humble Address of the Lord-  
Mayor, Aldermen, and Commons of  
the City of London, in Common  
Council assembled.*

Most gracious Sovereign,

We, your Majesty's most dutiful and loyal subjects, the Lord-Mayor, Aldermen, and Commons of the city of London, in Common Council assembled, beg your Majesty's permission humbly to approach the Throne, to express our detestation and abhorrence of those dreadful acts of violence and outrage, which have lately been committed by a set of abandoned and desperate men, who, in the prosecution of their wicked purposes, assembled in such numbers as to overwhelm all civil authority, and render the exertions of the magistrates ineffectual.

Thus circumstanced, nothing less than that armed force, with the direction of which your Majesty is constitutionally entrusted, could have rescued us from the horrors with which we were surrounded; that force your Majesty in your great goodness was most graciously pleased to send to our protection; and by its happy interposition our properties have been secured from further depredation, and peace and tranquillity again restored.—For this your Majesty's paternal care shewn to your ancient and loyal city of London, we beg to present our most sincere and grateful thanks; and at the same time we assure your Majesty, that every event which can possibly add to the happiness of any branch of your august family, or give additional lustre and dignity to your Crown, will ever be received by us with the most heart-felt satisfaction.

Signed by order of Court,

WILLIAM RIX.

To which Address his Majesty was pleased to return the following most gracious answer:

I thank you for this dutiful and loyal Address.

Your detestation of the late rebellious tumults, and the gratitude you express for the measures taken to suppress them, and to restore the public tranquillity, are highly agreeable to me.

My concern for the welfare and prosperity of the great metropolis of my kingdom makes me feel a particular satisfaction in the prevention of that destruction that threatened your properties, and in the re-establishment of legal order under which alone they can be secured.

They were all received very graciously, and had the honour to kiss his Majesty's hand.

KENNETT, Mayor.

A Common-Council holden in the Chamber of the Guildhall of the city of London, on Monday the 24th day of July, 1780.

Resolved unanimously, That the thanks of this Court be given to the officers and privates who have done duty in this city, for their exemplary conduct and strict attention to military discipline during the late alarming riots.

RIX.

*Reasons why no Englishman should join in the addresses now fabricating in several parts of the kingdom, by the friends of the present Administration.*

1. Because Sir Henry Clinton was obliged to evacuate Rhode-Island, before he could muster strength sufficient to attack Charles-town; so that, in fact, the whole mighty matter of triumph is, "A sea-port in one province has been exchanged for a sea-port in another."

2. Because the new taxes of the present year, amounting to 700,000*l.* a year, far exceed any advantage gained by this exchange, even if the whole province of South-Carolina had submitted; which does not appear to be the case.

3. Because

3. Because the additional taxes of 700,000*l.* a year are a mortgage on the estate of England equal to the land-rents of Devonshire; and from the formidable French and Spanish armaments lately sent to America and the West-Indies, it is highly probable the other events of this campaign may more than counter-balance this success; in which case, Devonshire will have been mortgaged for nothing, or perhaps for worse than nothing.

4. Because it is evident, that the influence of the Crown, which even the present House of Commons has acknowledged to be excessive, by the conquest of America would become uncontrollable, and the King would be rendered as absolute as any other despotic Prince in Europe.

“ 5. Because if the great interests of the property and freedom of this nation were not exposed to certain ruin by the American war, yet no Englishman can in justice or honour support a war to enforce submission to measures in America, which would reduce the people of that country to a state of bondage, which he himself could not endure in England.

6. Because however necessary the late interference of the army in London may have been, it forms a new precedent, most dangerous to the laws and liberties of the kingdom.

7. Because the discretionary orders given to the troops throughout England appear to be an innovation, not only contrary to the usual and safe practice observed in the reigns of former Princes of the House of Hanover, but also unsupported by any great and urgent necessity, arising from the same spirit of insurrection manifested by the populace, the same timidity evidenced by the magistrates in the kingdom at large, which so unhappily gave occasion in the metropolis to the interference of the army without the authority of the civil magistrate.

8. Because it would be a fatal folly in the English people, by their applause of the late necessity, but much-to-be-lamented stretch of the prerogative in London, to tempt Ministers, who seem to want no encouragement, lightly to repeat the experiment on less momentous occasions, and by inuring the nation to the interposition of the army at discretion, gradually to introduce a military government, to the utter and everlasting destruction of all our rights and privileges.

*Reasons why no Member of the Corporation of York should join in the Addresses, &c.*

1. Because the corporation, with great credit and honour to itself, took an early part in supporting the petition to Parliament, which originated in the county of York, and which has been adopted by a majority of the kingdom of England, complaining of the profusion of Government, and the alarming increase of the power of the Crown.

2. Because every attempt in Parliament, by the friends of that petition, to procure satisfaction to the people of England, has been baffled by the Minister; every motion tending to correct profusion, and to reduce the power of the Crown, by rescinding sinecures, unmerited pensions, &c. has been negatived by him and his tools; and instead of a parliamentary enquiry into the present enormous expences, a few gentlemen, named and paid by the Minister, and dependent upon him, are to report their opinions on the financial conduct of their appointer.

3. Because, when the utmost influence of the Crown has been exerted to baffle the petitions of the people, it would be unwise in any corporation which joined in those just and decent complaints, to promote measures which must unavoidably increase that influence, and the other grievances complained of.

4. Because

4. Because it would be inconsistent to express at one time an alarm at the growing power of the Crown, and in a few months to compliment the Crown on the happy introduction of a military force acting throughout the kingdom, not under civil authority, but at the discretion of the commanding officer.

*Deduction from the premises addressed to the Gentlemen of the Corporation of York.*

Gentlemen, It seems to follow from the foregoing observations, not that, as Englishmen and Members of the respectable Corporation of York, you should sit still and do nothing; for neutrality and passive inactivity cannot be right in such times as the present; but that as a majority of the freemen of York, have joined in the association to support the petition, and to obtain some reformation in Parliament itself, the members of the corporation should seize the present opportunity to join their brethren, and support that laudable measure in their corporate capacity. And if an application at St. James's should be thought necessary, I trust it will be

TO PETITION the KING,

1. To endeavour to terminate this fatal war, by opening a treaty with the Congress, and offering such reasonable terms of conciliation as may be for the mutual advantage of Great Britain and America.

2. To petition, That as justice has done its stern and severe office of capital and frequent execution on the deluded rioters, without any appearance of opposition or commotion, and the public peace is effectually secured by the armed associations in the metropolis, &c. the fears and apprehensions of the people may now be calmed by the discontinuance of discretionary orders to the troops, when the necessity no longer subsists, which alone could justify that dangerous deviation from the safe and constitu-

tional practice of his Majesty's royal progenitors.

Several of the city wards having entered already into associations to preserve the peace of the city, and to strengthen the hands of the civil power, your publishing the inclosed may be instrumental in making it become more general. A. B.

Aug. 4, 1780.

TOWER-WARD ASSOCIATION,

July 10, 1780.

We, being inhabitants of Tower-ward, and impressed with the danger to which the city has lately been exposed, from the insufficiency or want of proper exertion of the civil power, have formed a plan of association for the defence of the said ward, and for the purpose of strengthening the civil power (meaning to assist, upon occasion, also in the city at large) so that peace and good order may henceforth be effectually preserved therein, without the interposition of the army; which the necessity of the case has (to the disgrace of the city) too much justified on a recent occasion; and we have come to the following unanimous resolutions for the regulations of our proceedings:

"I. Resolved, That the Tower-ward Association meet on Monday and Thursday in each week, at the place that is or shall be appointed, at five o'clock in the afternoon, to learn the proper use of arms, street-firing, and various evolutions necessary in action; and have a regular serjeant and corporals continued for that purpose until eight o'clock. That at seven o'clock their names be called over by roll; and all absentees, or such as shall not come in their uniform, with a musket, bayonet, and accoutrements, be subject to pay a fine of one shilling to the treasurer. And that so long as the military remain upon duty on the present occasion in the city, the association do patrol the ward every Monday night, and



as often as shall be thought necessary, headed by an officer of the London militia, who is to be furnished with the watch-word and counter-sign of the night from the Mansion-house.

“ II. Resolved, “ That \* \* \* \* be chairman, and \* \* \* treasurer to this association; who, with thirteen gentlemen, viz. \* \* \* \* \*, be a committee; five whereof, including the chairman or treasurer to be a quorum. And the said committee is hereby authorized, from time to time, to call a general meeting of the association, for making or for altering regulations, or other reasonable purposes; and to correspond or confer with committees of other wards, and to report their proceedings to the succeeding general meeting.

“ III. Resolved, That the association do, on the first Wednesday in every month, repair to the Artillery-ground (leave being first obtained) there to learn the platoon exercise, &c. under the persons they appoint for their officers, for and during the same time as doth the London Association; subject (at the discretion of this association) whilst on the ground, to the command of the person commanding the London Association. And in the same manner they shall repair there or elsewhere, at any other time or times, as the Tower-ward Association shall think proper.

“ IV. Resolved, That to promote a like association in the several wards of the city, and to prevent the taking any persons out of their own wards, no person whatsoever be admitted into Tower-ward Association, that is not an inhabitant of the said ward; unless the candidates come from wards that are too small to admit of separate associations, or that have formed associations that are exceptionable.

“ V. Resolved, That the mode of election be by ballot, (when assembled on a general muster day) and that no person be chosen or admitted

into the associations with less than the suffrages of four-fifths of the associators then present.

“ VI. Resolved, That an alarm-drum be kept at some certain place, to be beat on any riot or alarm, by any person appointed by the committee, or at the discretion of any three associators near at hand; and that upon such alarm every associator shall immediately repair (properly accoutred) to the head-quarters, and when met, pursue such measures as appear to them best calculated for the preservation of peace and good order; submitting themselves to the orders of the civil power, whom they are intended to support, and not to the military, whose interference is meant to be rendered unnecessary by such association.

“ VII. Resolved, That if any associator wantonly discharge his musket in the street, or any other part of the ward, such person shall pay a fine of five shillings into the treasurer's hands.

“ VIII. Resolved, That each associator subscribe his name in a book (to be kept by the chairman) agreeing to these resolutions, or such other as hereafter may be made by a majority at a general meeting, for the purpose of assisting and supporting the civil power, according to law, in the preservation of peace in the said ward, against all riots or tumults which may disturb the same; and for any other service that appears (to a majority at a general meeting) to be for the preservation of the same in any other ward, or in the city at large.”

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*From the LONDON GAZETTE.  
Admiralty Office, July 29, 1780.*

Commodore Johnstone, in his letter to Mr. Stephens, dated off Lisbon the 7th instant, gives an account of his Majesty's ship the Romney, Captain Home, having, in the latitude of 45 deg. fallen in with and taken,

taken, after a close action of half an hour, the Artois French frigate, of 40 guns and 474 men, commanded by M. Le Febre; in which action the Romney had three men wounded, the Artois nine men killed, and sixteen wounded, and the sails and rigging of both ships much damaged.

The Romney was left in chace of a frigate when the prize parted with her; and the Commodore likewise mentions, that the *Æolus* had, on the 24th of June, in company with two privateer cutters, taken the *Eulalie*, of 18 guns and 100 men, bound from Bourdeaux to Port au Prince, laden chiefly with wine and flour.

*Admiralty-Office, July 29, 1780.*

*Extract of a letter from Captain JOHN HARVEY, of his Majesty's ship Panther, to Mr. STEPHENS, dated Gibraltar Bay, June 8, 1780.*

Nothing material has happened here necessary for their Lordships information, since Commodore Elliot sailed, till the 7th instant, when, about one in the morning, his Majesty's ship *Enterprize*, whose Captain I directed to moor northward of the New Mole, to prevent any attack on our ships and vessels here, made the signal of an enemy's approach. Seven ships or vessels were immediately perceived to be set on fire, and coming towards the New Mole. Some of those fire-ships drove, and the others were, by the boats of the *Enterprize*, *St. Fermin*, and ordnance transports, all towed by two o'clock to the southward of the New Mole. The largest went on shore in *Roscia Bay*. Four of them drifting towards the *Panther*, lying off *Roscia*, her boats were sent to grapple them, which they soon effected, and towed them on shore. At half past two, discovering two vessels making towards the *Panther*, several guns, with round and grape

shot were fired at them; on which they were set on fire. The boats, without difficulty, towed them clear; one of them, a brig, got on shore at *Europa-point*; the other, a ship, drove to sea. Though the enemy had the most favourable wind, weather, &c. for their purpose, you will please to acquaint their Lordships not the least damage has been done to the shipping, nor had we a single man hurt. A constant fire from all the ships and the garrison was kept up on the enemy's galleys and boats, which were very numerous, but the darkness of the night prevented our discovering what execution was done. By what remains of the several vessels, and the species of stores and combustibles unconsumed, it is evident no labour or expence has been spared in their equipment. The largest ship is about 117 feet in the keel, had two tier of ports, and was about the size of a 50 gun ship. One ship appeared to be of about 300 tons, another of about 200, four brigs, and two small vessels.

By the flames of the fireships we observed several ships standing off and on the entrance of the bay, which at day-light we found to be the Spanish Rear-Admiral *Barcello*, in a ship of the line, with two frigates, and several xebèques and other armed vessels. They sailed in the night from *Algezir*, with a view of intercepting any ship that might have been obliged to go out of the bay. A ship of the line likewise sailed the day before from that place to the eastward, as is supposed with the same design. In the morning the Spanish Admiral, with the frigates and xebèques, returned and anchored at *Algezir*, where he now remains.

I cannot conclude my letter without requesting that you will be further pleased to inform their Lordships, that the officers and company of his Majesty's ship under my command

mand behaved with the greatest steadiness and resolution, particularly the officers and people in the boats, who grappled and towed off the fireships, notwithstanding the frequent explosions of shells, &c. The behaviour of Capt. Leslie, the officers and company of his Majesty's ship *Enterprize*, was equally exemplary, not only for their vigilance in discovering and keeping a good fire on the enemy, which in a great measure was the means of frustrating their attempt, but likewise for the activity of their officers and people in the boats, towing off the fireships, &c. Captain Falkener, of his Majesty's sloop *St. Fermin*, then lying in the Mole, likewise gave great assistance with his boats. The officers superintending, masters and crews of the *Dutton*, *Nottingham*, *Friendship*, and *Union* ordnance transports, did great service, not only by keeping up a very smart fire on the enemy's galleys, &c. but also in sending their boats to assist in towing off the fireships.

*Extract of a letter from Vice-Admiral Lord SHULDHAM to Mr. STEPHENS, dated Plymouth, July 29, 1780.*

The *François*, a French brig, taken by Sir James Wallace, Captain of his Majesty's ship the *Nonfuch*, arrived here this afternoon, and herewith I transmit you the intelligence given by the prize master on board her.

#### *Intelligence.*

The *Nonfuch* being on a cruise the 14th instant, about ten A. M. discovered a fleet steering to the westward, to which she gave chase, and on coming up, found it to be a convoy from Brest, bound to Nantz and Bourdeaux, consisting of 22 sail, under the escort of three frigates, la *Belloné*, *Etourdie*, and *Lezard*, the two former of 36 guns each, and the latter new pierced for 36 guns, but

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only 12 on board. As soon as the *Nonfuch* came near the convoy, they all pushed for the Loire, but she soon after captured the *François*, another brig and a sloop, and the *Lezard* getting a-ground on the *Blanche Blank*, was burnt the next morning by the boats of the *Nonfuch*, having first taken out a great part of her stores, which consisted mostly of cordage, and unbent the sails from her yards. At noon, on the 15th, two sail were discovered from the *Nonfuch*, in the western quarter, supposed from their appearance to be two frigates, on which she gave chase to them, and separated from the *François*.

*From the LONDON GAZETTE.*

*Admiralty-Office, August 5, 1780.*

Sir James Wallace, Captain of his Majesty's ship *Nonfuch*, in a letter to Mr. Stephens, dated at Falmouth the 1st instant, gives an account, that while his boats were employed in burning the frigate off the Loire, as mentioned in the last Gazette, (which proved to be the *Legere*, instead of the *Lezard*) he observed three sail to the N. W. making signals to each other, to which he immediately gave chase, and about midnight came up with and closely engaged one of them; that after a defence of more than two hours she struck, and proved to be *La Belle Poule*, mounted with 32 guns, 12 pounders, commanded by the Chevalier Kergariou, and 275 men; that the Captain and 24 men were killed, the second Captain, with several other officers and men, to the amount of 50, were wounded; and that the *Nonfuch* had three men killed, and ten wounded, two of them have since died.

The frigates which were in company, but separated, were *L'Amiable*, of 32, eight pounders; *La Rossinolle*, of 20 guns, six pounders.

Y

*From*

*From the LONDON GAZETTE.*

*Admiralty-Office, August 12, 1780.*

*Extract of a letter from Commodore*

*JOHNSTONE, dated on board his Majesty's ship Romney, in the Tagus, the 15th of July, 1780, to Mr. STEPHENS.*

His Majesty's ship the Romney arrived here on the 8th of July, and brought in with her the Pearle, a French King's frigate, of 18 guns and 138 men, commanded by M. le Chevalier de Breignou.

The Romney had before sent in here the Artois, another French frigate of 40 guns and 460 men. The Artois was taken on the 1st of July off Cape Finisterre, after a sharp well-conducted action of forty-five minutes, which does honour both to Captain Home, and the ship's company under his command. The Romney had two men wounded; the Artois had twenty killed and forty wounded. The Pearle was taken on the 6th, off Vigo, after a chase of five hours.

The Artois is by far the finest frigate I ever saw, carrying twenty-four, eighteen, and nine pounders: she is quite new, and bigger than the Romney in all her dimensions, and is furnished with superabundance of all kind of stores. She was fitted out by the province of Artois, and supplied with officers and men by the King of France; and these were in the receipt of pay both from the King and the county of Artois. She was commanded by a respectable experienced officer in the King's navy, Monf. Le Fabre, who had retired to his estate, which is considerable; but upon being unanimously recommended by the county to this command, he had accepted of it, and now served without any pay or emolument whatsoever; so that the eyes of the public in France were very much turned upon the success of this ship, being upon a new construction, and a new kind of

establishment, which was calculated to induce the other counties to follow the example of Artois.

*From the LONDON GAZETTE.*

*Coy of a letter from Captain WILLIAM PEER WILLIAMS, of his Majesty's ship Flora, to Mr. STEPHENS, dated at Falmouth, the 15th of August, 1780.*

SIR,

I beg you will communicate to the Lords Commissioners of the Admiralty the following particulars, which I have the pleasure of transmitting to you from this port, where contrary winds have obliged me to put in.

On Thursday the 10th instant, at half past four in the afternoon, standing in under Ushant, in quest of the fleet, the wind at that time about E. N. E. we discovered, through the haze, a square-rigged vessel and a cutter under our lee, laying to with their heads to the northward, distant from us about four miles; whereupon we made sail, beat to quarters, and edged towards them, which the ship perceiving, wore, hauled to the wind, backed her mizen top-sail, and waited our approach, the cutter working off and on. At ten minutes past five we got a-breast of her, and, within two cables length, upon shewing our colours, received her fire, which we instantly returned, and continued briskly on both sides for about an hour, gradually nearing each other; when our wheel being shot away, our shrouds, back-stays, and running rigging much cut, we dropped on board of her, and continued the engagement in that position about fifteen minutes; the enemy then deserting their great guns, attempted to board us, but were instantly repulsed with loss. Our people boarded them in return, sword in hand, struck their colours, and in a short time took possession of the ship, which proved to be a French frigate

called

called La Nymphe, commanded by the Chevalier Du Remain, who died the same evening of the wounds he received in the action. She is four years old, is copper-bottomed, mounts 32 guns, though pierced for 40, and her complement consisted of 291 men. She had been only four days out of Brest, and was employed upon reconnoitring service off that port.

Before I conclude my letter I beg leave to add, that my officers and people in general shewed the greatest coolness and intrepidity on this occasion, and indeed merit more encomiums than I can find words to express; their conduct will, I flatter myself, meet with their Lordships approbation, and recommend them to their future favour.

I am, &c.

W. P. WILLIAMS.

*Return of killed and wounded, on board the Flora.*

*Killed.*

Mr. Bisset, Midshipman, 1; seamen, 6; marines, 2.—Killed 9.

*Wounded.*

Mr. Creed, Master, 1; seamen, 13; marines, 4.—Total killed and wounded, 27.

Seamen since dead, 1; marines, 2.

N. B. The Flora mounted 36 guns, and had on board, when the action began, 259 men.

*On board La Nymphe.*

*Killed.*

First Captain, second Ditto, first Lieutenant, 3; other officers, seamen, and marines, 60.—Killed 63.

*Wounded.*

The second Lieutenant, two officers of marines, two volunteers, 5; other officers, seamen, and marines, 63.—Total killed and wounded 131.

*Admiralty-Office, August 26, 1780.*

*Copy of a letter from Captain MACBRIDE, of his Majesty's ship Bienfaisant, to Mr. STEPHENS, dated at sea, August 13, 1780.*

S I R,

I wrote to you, for the information of their Lordships, on my arrival at Cork, the intelligence I had received, and the steps I intended to take in consequence. The Charon arrived on the 11th instant. I sailed with the convoy the next day, having the Charon, Licorne, and Husfar in company. As many of the convoy still remained, I ordered the Licorne and Husfar to keep off the harbour's mouth to haften them, whilst the Bienfaisant and Charon lay to with those that were out. At day-light we had drove down as far as the Old Head of Kinsale, when I observed a large sail in the south-east in chase of some of the convoy; he was soon chased in turn, the Charon in company; the other two frigates were out of sight off Cork. About half past seven we came up with her. It is something singular, that the action on both sides began with musquetry; he hoisted English colours and kept his fire: I determined to do the same: as we ranged within pistol-shot some conversation passed between us. In this mode we got so far forward on his bow, that neither his bow or our quarter guns would bear. Being certain what the ship was, I then ordered the small arms on the poop to begin; she returned it, and hoisted her proper colours. It was some little time before I could regulate my sail, and place my ship: they had determined to board us, and acted so to favour the design. It was a daring, though unsuccessful attempt. After an hour and ten minutes smart action, her rigging and sails cut to pieces, twenty-one men killed and thirty-five men wounded, she struck, and proved to be the Count D'Artois, of 64 guns, upwards of 644 men, a private ship of war, commanded by the Chevalier Clonard, a Lieutenant de Vaisseaux, who is slightly wounded. His brothers, the one a Colonel,

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nel,

nel, the other Colonel en second, in the Irish legion of that name, are on board; likewise a Lieutenant Perry, of the Monarch, and the people who were taken on board the Margaritta prize. The Bienfaissant had three killed, and twenty-two wounded; furniture cut of course; but the masts and yards not materially injured. There was one man slightly wounded in the Charon. I brought to, to refit; and the convoy of ninety-nine sail proceeded on with a very fresh and fair wind. The Licorne is in company. The steady gallantry of my officers and men did them honour: I beg in particular to recommend my first Lieutenant, Mr. Thomas Lewes, to their Lordships notice.

I am, Sir, your most obedient humble servant,

JOHN MACBRIDE.

*The following is an extract of a letter from the Sieur LA MOTTE TABOUREL, first Lieutenant of the Royal frigate the Belle Poule, which was taken by Sir JAMES WALLACE, and carried into Fal-mouth the latter end of last month, addressed to Monsr. SARTINE.*

On the 15th, of July at 2 o'clock in the afternoon, we discovered four vessels. The same day at five, being then four leagues to the S. S. E. of Crosie, the Rollignol cutter that attended us, made signal to the Belle Poule of superior force being nigh; and a very little time after, the Chev. d'Orleans, who had the command of the cutter, gave intimation to the Chev. de Kergariou, that the vessel which they had just discovered was a large ship of war, of 70 or 72 guns, which two days before had taken two coasting vessels, that had been retaken by our frigates. The Chev. de Kergariou gave orders to the Captain of the cutter to make the best of his way, and to take refuge in the first port

he could arrive at. At six the vessel which we had now ourselves discovered to be a ship of the line, appeared to be at no greater distance from the Belle Poule than about three leagues. We perceived that it approached sensibly towards us, and that it had a manifest superiority in sailing. We threw our netting into the sea, and all the effects which we could spare to ease our weight. We set our pumps a-going, and in fine put in practice every expedient that experience had informed us of, to mend our pace; but all our efforts were ineffectual.—At half past eleven the vessel arrived within cannon shot of us, and we fired a chace gun. Every man on board was now ordered to his proper station, and our batteries were prepared for action. At 35 minutes after eleven, the enemy fired a second gun upon us; at 40 minutes after eleven, our Captain gave orders to fire the retreat guns above and below, at the same time commanding the flag to be fixed: our design in this was to disorder either their masts or yards, or to interrupt their manœuvres. During this flying fight, which lasted till half an hour after midnight, the enemy only fired a few of their guns: after this time, they had approached within musket shot. Our Captain gave orders for us to hold ourselves in readiness to fire a broadside from the battery and forecastle, as soon as the enemy should side to the larboard, which was accordingly done with great success: three vollies, which were fired upon the enemy with the greatest dispatch, deranged their upper-works so much, that they were obliged to draw back for a moment, and when they approached again, they began to play off their musquetry, which was greatly superior to ours, and was extremely well-supported; our poop and forecastle being quite exposed, and our net work

work being thrown into the sea, prevented many of our men from engaging; and as soon as they came along-side of us, they fired several volleys, which our advantageous situation had prevented us from receiving before; and though our batteries were well supplied without any loss of time, and our gunners displayed the utmost bravery, often repeating *vive le Roi*, the enemy at length entirely disabled us from manœuvring; the sails of both vessels being shrowded, our Captain took the resolution of sending all the men that remained in the poop or forecastle to the battery, till fortune should bestow a more favourable situation. Our men only waited to be able to discover the ship, to renew their fire; we continued on the larboard tack for a quarter of an hour, during which time, the enemy poured all their fire upon us.

At a quarter past two, our Captain was mortally wounded, as he was pronouncing the expression he so often repeated during the engagement, *Courage, mes Enfants, Courage!* and had scarce reached the Surgeon's room when he expired. It was much against his inclination that he was carried down, as he wished to have died on the forecastle.

As soon as I was informed of the Captain's death, I went immediately on the poop, and took the command. I encouraged the crew to continue as they had begun, and did all that lay in my power, by different manœuvres, causing the whipstaff of the rudder to be removed starboard and larboard, that the frigate might direct her larboard side to the enemy, from whence our battery could most annoy them.

In this manner we fought for three quarters of an hour with the greatest eagerness, the crew earnestly wishing to revenge the death of their Captain. The enemy on their side having redoubled their fire, and

being provoked at our vain resistance, fired now only with a view of sinking us, having called to us several times to strike. On a sudden a cry of *We sink! we sink!* rose from the cabin; and the Surgeons, and the wounded that were under their care, came up between decks and into the battery. The master carpenter having surveyed the holes in the ship, and finding them so large as to admit the water of the thickness of a man's body, came to make his report to me on the poop, informing me that it was impossible to repair the holes while the engagement continued.

In this cruel situation, when we could not promise ourselves the smallest success against a force so much superior, the half of the cannon on our battery being dismounted, not one manœuvre being within our possible power of performing, our masts and yards broken, our sails and rigging cut to pieces, above sixteen shot in the body of our ships, which had let six feet water into our hold, our upper-works destroyed by bullets and case-shot, and 88 men totally disabled for action, I took, but not without infinite pain, under the influence of humanity only, the resolution of striking our flag. This was about three in the morning; we had then four pumps going, which continued playing till the enemy came up to us, and took us in tow.

The action continued, from first to last, from forty minutes after eleven, to three in the morning. All the marine officers, sailors, and soldiers, behaved with the greatest courage; their bravery was much encouraged by the presence of mind, and coolness of our Captain, and the whole corps of officers.

The following is a list of the killed and wounded:

Officers killed, 2; officers wounded, 6; common men, marine officers,

cers, and mariners killed, 16; soldiers of the regiment de Bresse killed, 5; marine officers and mariners wounded, 25; soldiers of the regiment de Bresse wounded, 14.—Total of the killed and wounded, 68.

The vessel which captured us is called the *Nonfach*, or *Sans Pareil*, carrying 64 guns, and commanded by Sir James Wallace. I am, &c.

LA MOTTE TABOUREL.

*The following extracts from the registry of the Court of Vice-Admiralty, are published by particular desire of Mr. HARRISON.*

Jamaica ff. *In Cur. Vice Admiralis.*  
29th May, 1780.

On the copies of the Governor's order of suspension, and of the letters annexed (originals whereof are ready to be produced) I move your Honour, as Judge of the Vice-Admiralty of this island, that I may be "immediately reinstated in the office of Advocate-general, and permitted to exercise the functions thereof as usual;" having been suspended from that office by the Governor, "till his Majesty's pleasure should be known:"—I committed my cause to the Lords of the Admiralty, who, with their usual justice, have instantly, and, as I still trust, efficaciously extended their protection to me. The Governor's appeal to the same tribunal, shews him to have been well apprised, that the exercise or notification of the King's pleasure, in the disposal of my office, is with their Lordships: their pleasure is regularly signified to him, in the known and established course of their department; and did his doubts on that subject require removal, or their powers want confirmation, he is told by the Secretary of State for the American department, "that my office of Advocate-general is subject to the pleasure of the Lords of the Admiralty, and

that I will have the satisfaction of hearing from their Lordships that they have restored me to that station."

Relying on these credentials, I entertained not the least doubt but that the Governor would pay all due respect to their decision, and ventured even to hope, that with a cheerful and reconciling temper he would anticipate any application on my part, by an immediate compliance with his orders. I soon found, however, that I was indulging expectations and hopes not likely to be gratified. The moment, therefore, I received my letters, I transmitted them to the Governor's Secretary, requesting the favour of him to lay them before his Excellency; he lost no time in obliging me, and in signifying his Excellency's pleasure thereupon. The failure of my application to the Governor, compels me to seek redress from your Honour, in full confidence, Sir, that you will think the credit and independency of your Court concerned in granting it me.

My reinstatement is now a matter not *ex gratia*, but *ex debito justitiæ*. When the grace was conferred, and, after suspension, restored by the delegates of the Crown (the Lords of the Admiralty) I little expected the right would be doubted by the Governor, and that I should be driven to the necessity of judicially resorting to your Honour, for a good and liege construction of his Majesty's will and pleasure.

On the appointment, by patent under the Admiralty-seal, of the Judge, Register, and Marshall of this Court, and on the like appointment of the Advocate-general, all dominion of those offices is, I submit, taken out of the Governor, and lodged with the Lords of the Admiralty.—After such an arrangement, it is indispensable necessity alone which can justify any interposition of a Governor;



a Governor; and if such necessity be feigned, and the right of suspension exercised without any charge or just reason whatever, the suspension becomes an act of usurpation, for which the law, I conceive, makes him both publicly and privately responsible. If a Governor can not only suspend and appoint, but resist the superior and relieving power by disobedience or delay, or elude it by a repeated suspension and appointment, this Court instantly becomes dependent on a Governor's absolute will and power. I admit, Sir, that there are directions which this Court is bound to receive, respect, and obey. The King, as arbiter of war and peace, and of their incidental rights, is most assuredly empowered to instruct the Judge of his Admiralty; this necessary branch of the prerogative is saved and confirmed by all the prize acts; but I conceive that his Majesty has reserved this right of instruction exclusively to himself; that it is usually signified through the departments of the Secretaries of State, or the Lords of the Admiralty, and that it is not delegated to the Governor in any instance whatever.

On some attempts striking, as was apprehended, at the rights and privileges of my immediate predecessor, the Lords of the Admiralty ordered the Judge to receive no libel that was not signed by the Advocate-general. This consideration alone makes it, I submit, a duty incumbent on this Court to see and determine in whom the lawful execution of that office is vested, otherwise its business will be totally stopt, or, what is worse, diverted into an irregular channel, the just prerogative of the Crown over-ruled, and the redress of the subject defeated. Sitting as Judge in prize causes, by virtue of a special authority, you are held, in respect both to persons

and things, to pursue that authority strictly.—I cannot, I will not, Sir, apprehend that you can have any doubts or difficulties to encounter, or that any person will combat pretensions so well supported: such an attempt cannot be effected, without subjecting this Court to most extraordinary and undue influence, and inverting the reasonable and established order of relative departments. In a word, Sir, having been suspended *only* "till his Majesty's pleasure should be known," and it fully and officially appearing to be his Royal pleasure, that "I should be immediately reinstated in my office, and permitted to exercise the functions thereof," I claim the benefit of his Majesty's favour so graciously bestowed upon me, and pray that the documents supporting such claim may be filed and read, and that I may be admitted accordingly.

T. HARRISON.

( COPY. )

*Admiralty-office, 5th April, 1780.*

SIR,

"The Earl of Sandwich having laid before my Lords Commissioners of the Admiralty your letter of the 28th of January last, representing that General Dalling had suspended you from the office of Advocate-general, and claiming his Lordship's protection; I am commanded by their Lordships to acquaint you, that as the General has laid no charge against you, nor given any other reason for removing you from the said office, than your having resigned the office of Attorney-general, they have commanded me to signify to his Excellency, that they cannot approve of the step he has taken, and that it is therefore their pleasure, that you should be immediately reinstated in the office of Advocate-general, and permitted to exercise the functions thereof as usual.

I am,

I am, Sir, your most humble servant,

(Signed) PH. STEPHENS.  
*Thomas Harrison, Esq. Advocate-general for the Admiralty of Jamaica.*

(By the packet.)

*Whitehall, 5th April, 1780.*

S I R,

I received your letters of the 28th of January and of the 10th of February, with the various inclosures they contain.

I am much concerned that any misunderstanding should have happened between the Governor and yourself, at a time when the utmost harmony and confidence is necessary between all the officers of the Crown in their respective departments. But as I am informed from the Governor that you have resigned the office of Attorney-general, which indeed appears by your letter of the 28th of January, it was my duty to lay the Governor's recommendation of a proper person to succeed to that office before his Majesty, which recommendation his Majesty has been graciously pleased to accept.

Your office of Advocate-general is subject to the pleasure of the Lords of the Admiralty, and you will have the satisfaction of learning from their Lordships, by this conveyance, that they have restored you to that station.

I am, Sir, your most obedient humble servant,

(Signed) GEO. GERMAIN.  
*Mr. Harrison.*

S I R, *May 22d, 1780.*

I have been honoured with the two inclosed letters from Lord George Germain and Philip Stephens, Esq. —I request the favour of you to lay them before the Governor, that I may be reinstated accordingly. Permit me to beg the return of them at your first leisure.

I am, Sir, with respect, your obedient servant,

(Signed) THO. HARRISON.  
*Edward Barry, Esq.*

*Kingston, May 22d, 1780.*

S I R,

I had the honour of receiving your letter of yesterday's date, with two inclosures, by the conveyance of Mr. M'Lean, and lost no time in laying them before his Excellency for his perusal.

I am now ordered to inform you, that whilst his Excellency has the honour of holding the reins of this Government, you can never act in any public department whatever.

I have the honour to be, Sir, your very humble and obedient servant,

(Signed) EDWARD BARRY,  
 Secretary.

*Thomas Harrison, Esq.*

Jamaica, ff.

*By his Excellency JOHN DALLING, Esquire, Captain-general, Governor and Commander in Chief of his Majesty's island of Jamaica, and the territories thereon depending in America, Chancellor and Vice Admiral of the same.*

*To THOMAS HARRISON, Esq. greeting.*

Whereas I have thought proper, for divers causes and considerations, to suspend you from being any longer his Majesty's Advocate-general in this island, you are therefore hereby ordered to surcease the further exercise of the said office, until his Majesty's pleasure shall be known.

Given under my hand and seal at arms, at Saint Jago de la Vega, the 25th day of January, in the 20th year of his Majesty's reign, *annoq. domini, 1780.*

(Signed) JOHN DALLING.  
 By his Excellency's command,  
 JOHN CLEMENTS, Dep. Sec.

*At*

*At a Court of Vice-Admiralty held at the town of Saint Jago de la Vega, on Friday the second day of June, in the year of our Lord 1780, before the Honourable JOHN BROWN-RIGG, Judge Surrogate and Commissary of the said Court.*

On the motion of Mr. Harrison to be reinstated to the exercise of the office of Advocate-general *non obstante* a suspension of his Excellency General Dalling, till his Majesty's pleasure should be known, now filed in this Court. His honour the Judge was pleased to declare as follows: "I have attentively considered the several letters and papers filed by Mr. Harrison, but have not received any commands from the Lords Commissioners of the Admiralty, nor has his Excellency the Governor done me the honour to communicate to me, whether he has received any directions relative to the reinstating of Mr. Harrison in the office of the Advocate-general; whenever such commands come officially to me, I shall most cheerfully obey them. At present, I am clearly of opinion, that I have no power to controul or take off his Excellency's suspension, and am therefore under the necessity of denying the motion."

Jamaica, ff.

*In Cur. Vice Admltis.*

*June the 2d, 1780.*

I Thomas Harrison, duly appointed Advocate-general of the Court of Vice-Admiralty of this island, by his Majesty's letters patent, or commission, under the seal of the High Court of Admiralty of England, bearing date the 11th day of February, 1774, having been on the 25th day of January, 1780, by his Excellency John Dalling, Esq. suspended from the said office of Advocate-general "until his Majesty's pleasure should be known," and having on the 29th day of May last, moved upon the several documents

filed in the Register's-office of this Court (the originals being produced and read) to be restored to the exercise of the said office, by virtue of his Majesty's pleasure, officially signified and expressed in such documents; and such motion being refused by John Brownrigg, Esq. sole Judge and Commissary of this Court, do hereby protest against such refusal, and against any act, matter, or proceeding whatever, from the day of the date hereof, being had, done, instituted, and performed in this Court, in and concerning the office of Advocate-general, of this island, and the use and exercise of any of the right of the said office of Advocate-general, by or at the instance of Hugh Lewis, Esq. or any other person pretending to be Advocate-general of this island.

(Signed) THO. HARRISON,  
*Vera Copia,* Advocate-gen.

HINTON EAST, Dep. Reg.

Cur. Vice Admltis.

*The following extracts of Minutes; from the private Journal of a Gentleman, who was on board Admiral RODNEY's fleet, during the late engagements with the French fleet, is taken from the Barbadoes Gazette of the 27th May.*

The body of the fleet lying in Shore-bay, taking in water, stores and provisions, and refitting the damage sustained in the late action, in order to renew the battle the first opportunity, and the Admiral having information the 5th of this month, from one of the frigates cruising for observation, that the French fleet was seen about 10 leagues to windward of Point Saline, he made the signal for sailing, when the fleet immediately got under way, having orders to hold themselves in constant readiness for sailing at the shortest notice. The afternoon of the 9th, the enemy's fleet was seen bearing E. S. E. of our fleet, six or seven leagues distant,

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distant, standing to the southward, with the wind at E. Point Saline then bore due N. of our fleet, five leagues distant, upon which the Admiral made the signal to prepare for battle, and when we were got considerably nearer, the enemy, formed the line, still beating to windward, and endeavouring to get near enough to the enemy to force them to action, which they prevented by keeping close hauled to the wind, endeavouring to avoid an engagement by all means, and it is very unfortunate, that their superiority of sailing in general, in a line, gave them too much the option of distance. About six on the evening of the 15th the van of our fleet then upon the larboard tack, having got pretty close to the enemy, the Admiral made the signal to prepare for battle, Capt. Bowyer, in the Albion, very gallantly led the van to action in a manner that does him much honour and credit, and about 50 min. past 6, fetched the center of the enemy's line, and engaged each of their rear ships as they passed on the other tack, keeping up a very heavy and uninterrupted fire all the time. By reason of a violent squall, with a sudden shift of wind, but eight of our headmost ships, Admiral Rowley's division, could fetch any part of the enemy's line; the very heavy and constant fire of the Albion, as well as the other ships that got into action, kept upon the ships that passed them, deserves great applause, and they must have done the enemy considerable damage. At 37 min. after seven the enemy's rear passed our ships, when the action ceased, and soon after the ships that had engaged, joined the fleet, when we tacked and stood the same way with the enemy. The Albion and Magnificent appeared to have suffered most at this time, as being first up, and passed a great number of the French ships very near, the other ships, also suffered, but it is to be hoped, from the very

good fire they continually kept, they have hurt the enemy considerably more.

Nothing material happened from that time till the 19th, about one in the afternoon, in lat. 14 deg. 18 min. N. to windward of Martinico, when we, still in a line of battle, endeavouring to get near enough to engage the enemy, and standing N. E. which was the point they bore from us, with the wind at E. S. E. saw them tack to the southward, and perceiving they could not weather the van of our fleet, then on the larboard tack, the Admiral made the signal to prepare for battle about 15 minutes after two, and a quarter of an hour afterwards, the signal for the rear to close; 25 minutes after three the enemy began to fire on our van, which was led by Commodore Hotham in the Vengeance, whose conduct and bravery on this, as well as on all former occasions, deserve the utmost credit. In a few minutes afterwards, the Admiral threw out the general signal for battle, and our van and center ships very smartly engaged the whole of their line as they passed on the opposite tack, successively hauling their wind as they came a-breast of the Sandwich in the center, and thereby avoiding the fire of our rear division; 50 min. past four, the Admiral made the signal for the Admiral in the third post (Rowley) just then out of action with the van division to tack and endeavour to gain the wind of the enemy; about fifteen minutes after five, their rear having passed our ships, the firing ceased, when the Admiral made the signal for the headmost and weathermost ships to tack first, and engage successively as they came up with the enemy, and at the same time hauling down the signal for the line. But finding it impracticable to renew the action upon that plan, as the enemy kept well to windward, under a press of sail, and

and the wind very unfavourable for our purpose, the Admiral about half past five, threw out the signal for a close line a-head again, when the fleet tacked together, standing on the same tack with the enemy, and kept in sight of them all night. They certainly must have suffered very considerably this time, as our ships kept up a very heavy and constant fire upon them as they passed, and several of their ships appeared greatly disabled, three of them being observed not able to keep the line. Next morning the Admiral made the signal for weekly accounts with the state and condition of the ships; at noon, lat. 14 deg. 58 min. N. formed the line north and south, the French fleet then bearing N. E. by E. of us, a great way off, and that evening got quite out of sight, when the signal for the line to haul down, and all cruisers called in. Sunday morning the Conqueror, Boyne and Cornwall, being very leaky and much disabled in action, left the fleet, with the Fortune and Greyhound frigates, steering for St. Lucia, and the rest of the fleet anchored in Carlisle Bay, about two o'clock on Monday morning.

Translation of an Arret of the Superior Council of the island of Grenada and the Grenadines, for carrying into execution the order of his Most Christian Majesty, for abolishing the office of Conservators of the estates of English Absentees in the said island.

*Extracted from the Records of the Office of the Superior Council of Grenada and its Dependencies.*

" At the requisition of the Attorney-general, and he having been heard thereon, the Court has determined, that the Conservators are and shall be abolished from the date of the registering the two arrets of the King's Council of State, of the 12th of December last. It is therefore ordained, that the managers and

representatives of the planters, which were under conservation, shall be re-instituted in the free management of the said estates by two Commissaries of the Court, in the presence of the King's Attorney-general, an inventory thereof being previously made by Monsieur Berdery, notary, whom the Court appoints for that purpose.

" As the ordinance of this government of the 7th of July, 1779, registered in all the Courts of the colony, establishing conservation for the estates of English Absentees, must remain in force until the date of the registering his Majesty's arrets abolishing the conservations; the Conservators, therefore, established by virtue of the said ordinance, shall enjoy, until the 1st of this instant, the allowance of two and a half per cent. in money or kind, upon all the productions, sales, crops, and rent, of the said estates and plantation, agreeable to the directions of the 18th article of the said regulation; and the amount of the said allowance shall be equally divided amongst the Conservators for each quarter.

" Such of his Majesty's new subjects as are guardians of infants, who by the 15th article of the ordinance of this new government of the 3d of January, 1780, respecting conservations, were bound to render annual accounts of the estates of the infants of new subjects, the administration whereof was committed to them, shall be obliged to render an account of their administration to the 1st day of this instant, before two Commissaries of the Court, in the presence of the King's Attorney-general; and there shall be drawn out by the said Mr. Berdery, notary, an inventory of all that may be remaining in the possession of the guardians who shall continue their administrations, according to their usages, and customs, as established by the King's edicts.

" And in order to carry the present

sent arret into execution, this Court has appointed Monsieur Prudhomme and Monf. Oliver, Assessors for the Quarters of Fort Royal, Gouayve, and Grand Pauvre; Mess. Noel, and Butin de Riquebourg, for the Quarters of Sateur and Marquis; and Mess. Alesfen and Noel for the Quarters of Malignin.

“ And with respect to the Conservators in the island of Carjacou, Union, Canaouan, and other Grenadines, the Court has appointed, as Commissary for the purposes of the present arret, Monsieur Olivier, Counsellor Assessor, and ordains that the accounts of the Conservators shall be remitted to him, in order that the communication thereof to the Attorney-general, and the report thereon to this Court concerning the same, may be made in due form.

“ And it is further ordained, that this arret shall be printed, published, and posted up where needful, under the direction of the Attorney-general, who shall testify respecting the same to this Court.

“ Done in the Superior Council of the island of Grenada and its dependencies, this 6th day of May, 1780.

(Signed) DOUBLE, Register.”

*From the Maryland Gazette.*

The House of Delegates originated a bill, by which it was enacted, that all the property (debts excepted) of British subjects, within this State, should be confiscated, and vested in the State, to be disposed of as the General Assembly should direct. I attended the debates in the senate, on this very important subject, and send you the substance, to be inserted, for the perusal and information of the public.

A BYSTANDER.

*Debates on the bill for seizure and confiscation of British property, in the Senate, April 14, 1780:*

C. Caroll, of Car. The refugees

ought to have a choice to stay in Great-Britain, or to return to this State; a bare residence there may not be of necessity, but choice; and it is conclusive testimony that the legislature of this State did not consider them as British subjects, by imposing a treble tax on them, by the act for the better security of government. The declaration of rights secured all property acquired under the old government, which was not dissolved at the Revolution, so as to return to a state of nature, and the property so secured cannot be taken from the proprietors, without a breach of our declaration of rights. We have heard of the omnipotence of parliament, and know the abuse of it; but we are a legislature limited, and have no power to exceed the bounds prescribed by the Constitution and Bill of Rights, and it was happy for this State, that the government was limited. Were it not the case, popular ambitious men of great abilities, taking the advantage of these talents, would overthrow and destroy the freedom, rights, and liberties of the government and people. Every country produces a Cataline, but few a Cato or a Brutus. On the establishment of the Common-wealth of England, (a case similar to ours) the Royalists were not considered as aliens, and that age was inventive and fertile in expedients, for raising money; they heaped composition on composition, but did not confiscate the property of their opponents. If British subjects have done any act, such as bearing arms, &c. you may deprive them of their property: if our subjects have done any such act, you may punish them as traitors.

At the Revolution in England, what was done with the absentees at that time in Holland and other parts of Europe, and even with the inhabitants of these States? they were not considered as aliens.

It

It may be said, that it would be absurd that a British subject should inherit here, because of two allegiance; but there is a local and natural allegiance, and there is no absurdity in the position, when this distinction is set up and attended to. When the French provinces were disannexed from England, in King John's reign, the natives inherited in England. He quoted Bracton in support of this doctrine, but referred to no particular part. Blackstone on alienage and allegiance was also quoted. And supposing them British subjects, they acquired their property legally and constitutionally, and therefore ought to hold it.

It would be impolitic to confiscate British property, because he was satisfied, that in the treaty of peace Great-Britain would stipulate for the restoration of the property confiscated, or a compensation for it. That a gentleman was appointed by Congress to enter into a treaty of commerce with Great-Britain, and it would be extraordinary indeed, to open the treaty with a confiscation of their property. He then alluded to a letter from one of the Delegates, in which it was said, that France and Spain might think it reasonable; and concluded, that he would give up the policy of the measure, but would not give up the Constitution, and that no arguments used on the other side of the question (and much had been said and published on that subject) had convinced him of his being in an error, but the Senate might strike out new lights on the subject.

Bar. Carroll then rose and observed, that all laws ought to be founded in justice, and that it would be the highest injustice to confiscate the property of those in Great-Britain, for the want of the spirit of divination. They were ignorant of the declaration of independence, or that their rights would be affected by it.

No time was given them to come in. The House of Delegates did not consider the proprietor as an alien, nor his estate as forfeited, or they would not, in a bill originated by them some sessions ago have proceeded upon the principle of making a purchase from him of his estate, or making a compensation in lieu of it. The bill failed, because they could not agree about the division of the spoil; some were for making it a fund for the support of the Judges; others for sinking it in the pockets of the land-holders. They did not consider British subjects as aliens in the case of Pellet and Long, or they would not have continued the suit on the docket.

The bill for confiscation of British property in the whole of it is unnecessary, or unconstitutional: if British subjects are aliens, they cannot hold property in this state; if they are not aliens, it would be a breach of the Constitution to take their property from them. This assembly are not *dicere legem*, but the question, who are aliens and who not, ought to be left to the Courts of Justice. The Bill of Rights declares, that the legislative and judicial powers should be kept separate and distinct. The bill declares British subjects aliens, which would be an usurpation of the judicial power. He then observed, that he had sworn allegiance to this State, which was not the earth, air, or elements, but the Constitution, which would not permit him to be a Judge and Law-maker.

Mr. Thomas Stone then rose, and observed, That the bill for the seizure and confiscation of British property, proposed by the House of Delegates, was against the principle of reason and justice, and if considered as founded on the declaration of independence, and that by consequence thereof, British subjects become aliens, the bill must fall, because no such inference can be drawn

drawn from that act, nor does the declaration say, that such consequences should flow from it.

The consequences are big with iniquity, and injustice; the characters concerned in it would have revolted at the idea, and the breast of every honest man would have rejected it with indignation. What were the true principles of independence? We were subjects of Great-Britain.

The of that kingdom and the parliament thereof declared us rebels and out of their protection; to secure ourselves against their arbitrary and oppressive measures, and to secure right, property, and liberty, were the true principles of the declaration of independence, and not to take property acquired before it. The subjects of Great-Britain were not informed of the declaration of independence; no notice was given them of it. They were never heard or tried; and justice reprobates the punishment of persons neither heard or tried. The justice and propriety of a position is to be determined by the consequences that flow from it, and if by a construction of the declaration of independence every man in Great-Britain became an alien, some good men, and those our friends, would be deprived of inheritable blood. I don't understand the doctrine of election; what gives an election, but the having property in the State? In what time must the election be made, and who is to determine it? If left to the courts of justice, some would be of one opinion, and some of another; some would be of opinion that two months, others that six months, and others that eighteen months, would be sufficient to make an election. Justice requires that men, having property in this State, should have notice to come in. It is time to interpose, not to steal a march on them, but to give them notice to come and possess their property, or it should

be considered as derelict. If any of the inhabitants of this State have received pensions, or assisted in the war, such men would not come in, and stand a trial. That he would agree to take all the profits of British property, and appropriate them as a fund, and would sell it absolutely, if they do not come agreeable to notice, and become subjects. If we can destroy rights, acquired before independence, we can also take away rights acquired under the act for extending privileges to subjects of the King of France, passed a day or two ago; and the sensible and discerning subjects of that nation will discover, that no confidence is to be placed in the act of the legislature, extending privileges to them, if a war should unfortunately break out between these States and that nation. They will say, that if the legislature can divest the subjects of Great-Britain of property fairly acquired, merely because of a war between the two nations, that they must expect to share the same fate.

He then concluded, by observing, that quit-rents ought to be abolished, because it was an odious badge of slavery, inconsistent with our free situation, independence, and safety, and that it always wounded his feelings as a freeman to pay them under the old government, and that he would concur in any measures founded upon the principles of morality and justice; but the bill sent by the House of Delegates was incompatible with these principles, and that it contained a contradiction, in calling the property, which was the object of it, British property.

R. Goldborough observed, that the bill was defective, conceived in general terms, and that we were left to guess who are British subjects. Does it include those who left this State before the 19th of April, 1775, the 14th of August, 1775, or the declaration of independence on the



the 4th of July, 1776? The Convention, that framed the Government, are silent on this head. The Legislature have declared, that those who left this State are subjects of this State. If by the declaration of independence British subjects became aliens, where did the estate vest between the declaration of independence and the 14th of August, 1776, when the Constitution was framed? The principles laid down by the writers on the law of nature and nations, do not apply in the present instance. The subjects of an independent nation know the terms on which they purchased and acquired property; they purchased subject to the events of war; but British subjects who acquired property here, did it agreeable to the Constitution and laws under which they lived. For what cause will you take away the property of absentees? Did they, by going away, infringe any law? Their property was acquired legally, if they infringed no law, when they went away, it would be an *ex post facto* law, and is contrary to the declaration of rights, to take their property away for that which was not an infringement of any law. The bill, therefore, establishes an *ex post facto* law, and consequently is contrary to the declaration of rights. It infringes the Constitution in another instance, which declares, that the legislative, executive, and judicial powers, should be kept separate and distinct. The Courts of law are to determine who are British subjects. If we undertake it, we violate the Constitution, which I am sworn not to violate.

If we cannot carry on the war without British property, our enemies will soon know it and continue the war, and we must soon yield. The Delegates say, that a tax of 100l. continental, on every hundred pounds of actual property, will sink the old money in circulation, and

defray the current expences of the year. This is but 40l. gold, a mere trifle. He would give one third, one half, nay the whole of his property, sooner than fail in the present contest. There is no necessity for British property as a fund; it cannot give credit to the money emitted on it, because a man may say, it will be given up at the treaty of peace, and is therefore precarious; or a tax will be laid to make a compensation to the value. We have funds enough; taxes on luxuries would be an ample fund to support the new bills of credit.

I R E L A N D.

Royal Exchange, Dublin,  
Aug. 11, 1780.

At a General Meeting of the merchants and traders of this City, convened this day by a public notice from the Committee of merchants,

Mr. TRAVERS HARTLEY in the  
Chair,

The following resolutions were unanimously agreed to:

Resolved, That it is our sincere desire, our ardent wish, to preserve that cordiality of affection between this country and Great Britain, so essentially necessary to the prosperity of both kingdoms, and which can only have a firm foundation in mutual interest, and reciprocal liberality of sentiment.

Resolved, That the alteration which the bill lately passed in the Hon. the House of Commons, in Ireland, has, as we are credibly informed, suffered in Great Britain, by a reduction of the additional duty of 12s. per cwt. thereby laid on refined sugars, to 9s. 2d. per cwt. does therefore affect us with sensible concern, as manifestly proceeding from the most narrow, selfish, and illiberal principles.

Resolved, That those applications which have effected this alteration in Great Britain, have not,  
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in our apprehension, had merely a view to the supplying the consumption of this kingdom with sugar of the manufacture of Great Britain, but to prevent the extension of every other manufacture of this country, which might have been expected, in consequence of a free export to the British settlements and colonies in Africa, the West-Indies, and America, and with the hopes of which we were led to amuse ourselves.

Resolved, That the first mentioned view of supplying the consumption of this country with refined sugar of British manufacture, is ungenerous and unequal, as the importation of refined sugar into Great Britain from Ireland, in common with all other countries, is effectually guarded against by a prohibitory duty of 4l. 2s. 6d. per cwt.

Resolved, That the latter more latent, but, we are confident, principal view of frustrating the advantage so pompously held out to us in a free trade to the British colonies, by depriving us even of our own market for raw sugar, the capital article of return for our exports thither, is most disingenuous and deceitful; utterly inconsistent with that candour, by which we know many of our British fellow subjects are, and wish them all to be honourably distinguished.

Resolved, That we still remain of opinion, that an additional duty of 16s. 7d. per cwt. on sugar in loaves, being three times the proposed addition on the raw material, is necessary to preserve our sugar refinery on the same footing it has hitherto stood, not indeed a very firm one, as experience evinces the injurious competition it has frequently suffered from imported refined sugar.

Resolved, however, That we will not trouble the Hon. House of Commons with any new application on this subject, or attempt to unsettle a determination founded on atten-

tive investigation, and able decision; and which, though not coming up to our idea, we received at the time with the respectful acquiescence due to the solemn result of their deliberations; patiently waiting the operation of the duty of 12s. per cwt. until the ensuing session of Parliament, against which time experience might add weight to our opinion, or convince us of our error.

Resolved, That we consider it derogatory to the dignity of the representatives in Parliament of the people of Ireland, to admit a supposition of their determination being shaken by the interested, insidious opposition of sugar bakers or West-India merchants in Great Britain; a determination, in which we are persuaded a delicacy of sentiment, under the impression of proposed benefits, studiously avoiding the least appearance of ingratitude, had an abundant share.

Resolved, That, in our opinion, it would be more for the interest of this kingdom, to relinquish the direct importation of raw sugars from the West-Indies, and to import them as usual through Great Britain, at the present duty of 1s. 8d. per cwt. than to admit refined sugars with a less additional duty than 12s. per cwt.

Resolved, That, in our opinion, this kingdom reaped more advantage in a short time, by confining itself to the use of its own manufactures, than it will, for a course of years, from a nominal trade on terms so fallacious.

Resolved, therefore, That Ireland, at all events, is happy in having the great counterpoise to her limited trade within herself, in her own virtue, patriotism, and public spirit, which, we trust, if again made necessary, will be unanimously, firmly, and effectually exerted.

Resolved, That a Committee be appointed

appointed to transmit copies of these resolutions to the merchants of the several trading towns in this kingdom, and that the said Committee do consist of twenty-one merchants.

Resolved, That copies of these resolutions, expressive of the sentiments of the merchants and traders, be presented by the Committee to Dr. William Clement and Sir Samuel Bradstreet, Bart. representatives for this city in Parliament, requesting that, upon this very important occasion, they will persevere in their best endeavours to protect the manufactures and commerce of this kingdom.

Resolved, That the thanks of this meeting be hereby presented to our worthy Chairman, Mr. Travers Hartley, for his care and attention in presiding at those meetings.

Resolved, That the Committee be empowered to convene a general meeting when they shall think fit.

*Tholsel, Dublin, 14 Aug. 1780.*

At a very numerous and respectable meeting of the Gentlemen, Clergy, Freemen, and Freeholders, held pursuant to public notice, the High Sheriffs in the Chair, the following resolutions were unanimously agreed to:

Resolved,

That the sugar bill, and the bill for the better regulation of the army of Ireland, have suffered alterations in Great Britain; such as must render the former injurious to trade, and the latter subversive of liberty.

That a mutiny law, unlimited in duration, is against the fundamental principles of the Constitution, tends to make the power of the Crown absolute, and to establish in this country a *military Government*.

That any persons, who shall be *base enough* to comply with the mandates of Administration, in supporting these alarming measures, will

justly forfeit all title to the future confidence of the people.

That the following petition be presented to the Hon. House of Commons, by our representatives in Parliament, whose approved fidelity renders particular instructions to them, upon this occasion, unnecessary.

*To the Honourable the Knights, Citizens, and Burgesses, in Parliament assembled :*

*The Petition of the Freemen and Freeholders of the city of Dublin, legally convened by the Sheriffs,*

Humbly sheweth,

That it is with the utmost reliance on your wisdom and virtue, and an high sense of your efforts to serve your country, we presume to petition this Honourable House at the present alarming crisis.

That your petitioners understand, that the bill for the better regulation of the army of Ireland, has suffered alterations in Great Britain, whereby its duration is unlimited, and thus the army of this country made independent of Parliament, martial law established for ever, and the power of the Crown over the military rendered not only almost absolute but perpetual.

That your petitioners understand, that the bill for imposing additional duties on sugars imported, has also suffered alteration in Great Britain, by a reduction of the duty of twelve shillings per hundred weight on refined sugars in loaves, (determined on by this Honourable House, after the most deliberate discussion) to nine shillings and two-pence and a fraction; a measure, not only destructive of the sugar-refinery of this kingdom, but defeating the advantages to be expected from a free trade to the British colonies.

May it therefore please this Honourable House, not to suffer the bill for the better regulation of the army of Ireland, to pass, thus altered,

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ed, into a law: and, that an additional duty, not less than twelve shillings per hundred weight, may be laid on refined sugars in loaves imported.

And your petitioners will pray,

Resolved unanimously, That the said petition be signed by the Sheriffs, and by them delivered to Doctor William Clement, and Sir Samuel Bradstreet, Bart. our representatives in Parliament.

Resolved unanimously, That if it should be again made necessary, we will have recourse to a non-importation agreement, as being pregnant with greater benefits to this country, than a partial and imperfect grant of a nominal free trade; and we trust, that we shall ever find a counterpoise in the spirit and patriotism of the people of Ireland, against the disadvantages to which they may be subjected by the jealousy and envy of their fellow-subjects of England.

Resolved unanimously, That the thanks of this meeting be given to our worthy High Sheriffs, for their cheerful compliance with the request of their fellow-citizens, and for their spirited and impartial conduct in the Chair.

Resolved unanimously, That the proceedings be signed by the Sheriffs, and published.

WILLIAM JAMES, } Sheriffs.  
JOHN EXSHAW, }

*Royal Exchange, Aug. 18, 1780.*

At a meeting of the corps of independent Dublin volunteers,

THOMAS ASHWORTH, Esq. Capt. commandant in the Chair,

Resolved unanimously, That by the late decisions of the House of Commons, in regard to the sugar bill, and to an act for the regulation of the army in this kingdom, we are constrained to believe that our commercial and constitutional interests have been sacrificed to the advantage of individuals.

Resolved unanimously, That the virtuous, though unsuccessful efforts of the *Minority* of the House of Commons, in support of our trade and Constitution, merit the thanks of every friend to his country; and that we will concur with the volunteer corps of this kingdom, and every other class of virtuous citizens, in every effort which may tend to avert the public danger, and recall those men who have betrayed the confidence of their constituents to a sense of public virtue.

Resolved unanimously, That as freemen or freeholders, we will not, on future occasions, vote for any person of the Majority, who divided in favour of the bill *to prevent mutiny and desertion*, as altered by the Privy Council of England.

Signed, by order,

KILNER BAKER, Sec. Pro. Tem,

At a full meeting of the liberty volunteers, on Saturday the 19th of August, 1780, pursuant to notice,

ALEXANDER CRAYDON, Esq.

Lieut. col. in the Chair,

The following resolutions were unanimously agreed to:

Resolved, That the alteration of the sugar bill, and passing the mutiny bill, without limitation of time, render our expectation of a free trade delusive, and totally contradicts those sentiments which we were induced to believe would actuate the representatives of the people to emancipate this kingdom from the insults of a foreign judicature.

Resolved, That considering the army of this kingdom, as a body of men embarked in the cause of their country, and equally entitled with ourselves to the protection of its legislature, we cannot but feel for their situation, who, by this law, are in danger of being made, at a future day, the unwilling instruments of despotism, to violate the liberties of Ireland.

Resolved, That it appears to us, that

that the House of Commons have adopted the sentiments of the British Privy Council, or English Attorney, in contradiction to their own declared sentiments, as expressed in the original bills sent from this kingdom to Great Britain.

Resolved, That the compliance of an Irish Parliament with the mandates of an English judicature is unconstitutional, and tends to the subversion of Magna Charta and the Bill of Rights.

Resolved, That we will not, on any future occasion (either as citizens or soldiers) support the interest or protect the property of any Member that voted with the Ministry on the late decisions, and that we will concur with the volunteer corps of this kingdom, and the rest of our fellow-subjects, in every effort which may tend to avert the dangers we are threatened with, and for that purpose have appointed a Committee of Correspondence with the different volunteer corps.

Resolved, That the manufactures of this kingdom deserve our utmost aid, and that we will most cheerfully join with its most faithful friends, to support a non-importation agreement, which appears to us at this time essentially necessary.

Resolved, That the 63 worthy Members who composed the Minority, on Wednesday the 16th instant, deserve the support of every virtuous elector.

Resolved, That our sincere thanks be given to our worthy Colonel, Sir Edward Newenham, Knt. for his virtuous and upright conduct in Parliament.

Signed by order,

PAT. BURKE, Sec.

*Royal Exchange, Dublin, Aug. 17, 1780.*

At a meeting of the merchants corps of volunteers,

PETER DIGGES LATOUCHE, Esq.  
in the Chair,

The following resolutions were unanimously agreed to:

Resolved, That the late decisions of the House of Commons (so destructive, in our opinion, to the constitutional rights, and injurious to the commercial interests of this kingdom) demand the most serious attention of every Irishman.

Resolved, That we consider their consent to the mandate of the British Minister, by which the bill for the regulation of the army, is made perpetual, and the controul thereof for ever vested in the hands of the Crown, as a subversion of the Constitution, and a stab to the liberty of the subject.

Resolved, That, considering the army of this kingdom as a body of men embarked in the cause of their country, and equally intitled with ourselves to the protection of its legislature, we cannot but feel for their situation, who, by this law, are in danger of being made, at a future day, the unwilling instruments of despotism, to violate the liberties of Ireland.

Resolved, That we consider the compliance of that House with the alteration made in the sugar bill by the English Privy Council, reducing the proposed duty on lump sugars, as an overthrow to the refinery of this kingdom, and a total obstruction to the extension of its manufactures by an export to the British colonies and West-Indies.

Resolved, That we will concur with the volunteer corps of this kingdom, and the rest of our fellow-subjects, in every effort which may tend to avert the dangers we are threatened with.

Resolved, That the strenuous, though unsuccessful efforts of the Minority of the House of Commons in defence of the Constitution, merit the thanks and firm support of every friend to his country.

Signed by order,

W. BRUCE DUNN, Sec.

INTRODUCTION to the AMERICAN  
CRISIS. (No. VIII.)

(See Page 107.)

" Trusting (says the King of England in his speech of November last) in the Divine Providence, and in the justice of my cause, I am firmly resolved to prosecute the war with vigour, and to make every exertion in order to compel our enemies to equitable terms of peace and accommodation." To this declaration the United States of America and the Confederated Powers of Europe, will reply, *If Britain will have war, she shall have enough of it.*

Five years have nearly elapsed since the commencement of hostilities, and every campaign, by a gradual decay, has lessened your ability to conquer, without producing a serious thought on your condition or your fate. Like a prodigal lingering in a habitual consumption, you feel the relics of life, and mistake them for recovery. New schemes like new medicines, have administered fresh hopes and prolonged the disease instead of curing it. A change of generals like a change of physicians, served only to keep the flattery alive, and furnish new pretences for new extravagance.

" *Can Britain fail?*"\* Has been proudly asked at the commencement of every enterprize, and that "*whatever she wills is fate,*"† has been given with the solemnity of prophetic confidence, and though the question has been constantly replied to by disappointments, and the prediction falsified by misfortune, yet still the insult continued, and your catalogue of national evils increased therewith. Eager to persuade the world of her powers, she considered the destruction as the minister of greatness, and conceived the glory of a nation, like

that of an Indian, lay in the number of scalps and the miseries it inflicts.

Fire, sword and want, as far as the arms of Britain could extend them, have been spread with wanton cruelty along the coast of America; and while you, remote from the scene of suffering, had nothing to lose and as little to dread, the information reached you like the tale of antiquity, in which the distance of time defaces the conception, and changes the severest sorrows into conversable amusement.

This makes the second paper, addressed perhaps in vain to the people of England. That advice should be taken where example has failed, or precept be regarded where warning is ridiculed, is like a picture of hope resting on despair: but when time shall stamp with universal currency, the facts you have long encountered with a laugh, and the irresistible evidence of accumulated losses, like the hand-writing on the wall, shall add terror to distress, you will then, in a conflict of sufferings, learn to sympathize with others by feeling for yourselves.

Hitherto you have experienced the expences, but nothing of the miseries of the war. Your disappointments have been accompanied with no immediate suffering, and your losses come to you only by intelligence. Like fire at a distance, you heard not even the cry; you felt not the danger, you saw not the confusion. To you every thing has been foreign but the taxes to support it. You knew not what it was to be alarmed at midnight with an armed enemy in the streets. You were strangers to the distressing scene of a family in flight, and to the thousand restless cares and tender sorrows that incessantly arose. To

\* Whitehead's New year's ode for 1776.

† Ode at the Installation of Lord North for Chancellor of the University of Oxford.

see the women and children wandering in the severity of winter with the broken remains of a well-furnished house, and seeking shelter in every crib and hut, were matters you had no conception of. You knew not what it was to stand by and see your goods chopped up for fuel, and your beds ript to pieces to make packages for plunder. The misery of others, like a tempestuous night, add to the pleasures of your own security. You even enjoyed the storm, by contemplating the difference of conditions; and that which carried sorrow in the breasts of thousands, served but to heighten in you a species of tranquil pride.—Yet these are but the fainter sufferings of war, when compared with carnage and slaughter, the miseries of a military hospital, or a town in flames.\*

From the BOSTON GAZETTE,  
May 8th, 1780.

*"Whose bosom beats not in his  
country's cause."*

ADDISON.

The progress of America is so strongly marked with a divine interposition, and the great events of the war wear such striking signatures of Providence, that infidelity itself can scarcely support its tottering unbelief. And shall Christian patriots pause in the race of glory, with Heaven on their side? What meaneth the languor of the day? Hath the love of ease and avarice (the growth of little souls) stifled the patriotic ardor, and mean self-love extinguished the godlike principle of love to our country? As American virtue declines, the hope (like Satan's) revives, and hence the war continues; on our wickedness he builds all his hopes of success; he knows that Whigs, without energy, are as sure a prey as Tories, and *passively* support his power. It has

been the doctrine of the  
and all his creatures, from the beginning, "*We will weary them out, their patriotism will not be lasting.*" What an insult to our magnanimity! to suppose we will not persevere as long in a good cause as they will in a bad one. We ought to feel and manifest, by the ardor of our exertions, the most pointed indignation against every sentiment that impeaches our virtue, or touches the sacred cause of our country. But good words and wishes will not expel the ; the energy of action alone will set us free and restore peace to our nation. This is a day of sacrifice and suffering, and we must offer our service and our interest cheerfully and liberally. It is not sufficient to say, we have done as much or more than our neighbours; we must continue our exertions until our country is saved. If our country does not reward our labours, Heaven will; and the conscious mind will anticipate the pleasure of future scenes, and find a reward in its own bosom. This consideration is alone sufficient to kindle ardor in noble souls; but joined with this, tyranny, with all its train of horrors awaits us and our country, until the is totally extirpated. Long have we in vain hoped that a spirit of wisdom and patriotism might arise in the British councils, and dispose the to peace; his obstinacy continues, his thirst for blood and murder still rages, and he will not cease to injure until he has lost the power. Then let us now arise, like Sampson, from a transient slumber, and with united hearts and hands pursue the Philistines, until the last foe falls or flies before us. We should animate our spirits by reviewing the great cause for which we are contending, and recollect our former resolutions to sacrifice fortune, and,

\* The irregular manner in which the American papers come to England, prevented the above paper appearing in its proper place.

contending

if called, life itself, in its defence. The obduracy of the                      affords increasing proofs of the worth of liberty; his persevering labours to subjugate us are the most ponderous arguments for our exertions. If the dead, who have been slain by the accursed                      , were to rise and speak to us from the other world, they could not add weight to the testimony we have already received.

Divines sometimes tell us, if they could give a view of the damned, man would cease to be wicked—Tyranny is the hell, and the tyrant the devil of this world. If men saw the monster in all his forms, they would want no arguments to spur them to exertions. This truth is confessed by all, and yet all want a spur.

Why is not the                      expelled? The answer is, the people are able, but are not willing to be at the expence, that is, they are wishing others to do more, and themselves less. This selfish spirit has already cost America millions of money, and thousands of lives; and unless we rekindle the true spirit of patriotism, and love our country more than the gaudy and idle distinction which money gives, we may justly be alarmed with the apprehension that our neglect of duty may be punished by the loss of freedom, whereby the world may have this great lesson again repeated, That Heaven will bestow the blessings of liberty on no people who want virtue to preserve it.

Let not those who now live secure from the enemy forget the calamities attendant on others, nor be deaf to the cries of innocent blood. How many thousands have been murdered by the                      ? How many aged parents, with their beloved children, are now lifting up their languid eyes under his power, while virtuous matrons and innocent virgins, in melting accents, ask our protection.

A SOLDIER.

*State of Massachusetts Bay.*  
*In the House of Representatives,*  
May 5, 1780.

Whereas many and great inconveniences have arisen in consequence of permits being granted to a number of persons belonging to Nova Scotia, for the purpose of bringing from thence into this State, and availing themselves of said permits contrary to the original design thereof: therefore,

Resolved, That from and after the 15th day of June next, all such permits shall be null and void.

Sent up for concurrence,

JOHN HANCOCK, Speaker.

In Council, May 5, 1780. Read and concurred.

JOHN AVERY, Dep. Sec.  
True Copy.

Attest. JOHN AVERY, Dep. Sec.

*State of Massachusetts Bay.*  
*In the House of Representatives,*  
May 5, 1780.

Resolved, That the Selectmen of the several towns in this State, be, and hereby are desired to transmit to the Agent appointed in the respective counties to which said Selectmen belong, the monthly average prices of beef, Indian corn, sheep's wool, and foal leather, since the first day of January, on, or before the twentieth day of August next, including the last mentioned month; and also, to transmit the monthly average prices of the afore-said articles, from and after said month of August, on, or before the 3d Tuesday of February, A. D. 1781, including the average prices of said February, and so on, from year to year, for eight years, to transmit the average prices as afore-said, and at the times before-mentioned.—In order that said Agents may be enabled to comply with an act of the General Court, directing them to ascertain the monthly average prices of the before-mentioned articles,



articles, for the purpose of determining the value of the securities given by this State, to Continental officers and soldiers, to make good their establishment, pay, and wages.

Resolved, That a sufficient number of the aforesaid resolution, be printed, to enable the Agents aforesaid, to send one copy thereof, to the Selectmen of each town in the county to which they respectively belong.

Sent up for concurrence.

JOHN HANCOCK, Speaker.

In Council, May 5, 1780. Read and concurred.

JOHN AVERY, Dep. Sec.

A true copy.

Attest. JOHN AVERY, Dep. Sec.  
*Boston, May 15.*

At a meeting of the freeholders and other inhabitants of this town, the last week, to consider the Constitution or Frame of Government, agreed upon by the Delegates of the people of this State in their late convention,

The Hon. SAMUEL ADAMS, Esq.  
Moderator.

The following instructions to the Delegates of this town were agreed to, viz.

*Boston, May 12, 1780.*

Gentlemen,

The town of Boston having convened in a legal meeting to consider the Constitution or Form of Government agreed on by the Convention, and by them proposed to the people for their approbation, rejection, or amendment, having had the same repeatedly read, proceeded to a discussion of the several articles therein contained; and having recommended amendments in the 16th article of the Declaration of Rights, in the 7th article of the 2d chapter, in the 4th section of the 2d chapter, and in the 7th article of the 6th chapter, unanimously voted to accept said Constitution or Form of Government with the amendments, the third article in

the Declaration of Rights excepted, provided by the most strenuous endeavours of their Delegates the said amendments can be procured, otherwise to accept the said articles as they were agreed to by the Convention. But the 3d article in the Declaration of Rights was referred to future consideration; the meeting then consisting of eight hundred and eighty-seven votes.

The town then proceeded to consider the 3d article; which having been largely debated, was amended and voted, 420 for, and 51 against it. It was then moved and seconded, that if you could not obtain this article as amended, you should be empowered to vote for the 3d article as it originally stood, rather than the amendment should be the means of postponing the establishment of the Constitution at the next meeting of the Convention; as some form was necessary to give stability and force to government. The question being put, the numbers were 277 for, and 140 against it. Your utmost exertions are nevertheless earnestly enjoined to obtain the amendments.

A principle of respect to a body of men of such distinguished rank and ability as the Convention, would most assuredly have led the town to assign the reasons for any alterations they might make in a system they had formed and recommended. But as the Convention have requested the doing it, it is now to be formed on a higher principle.

In general it may be observed, that the amendments proposed, were made upon the idea that they would more effectually subserve the cause of civil and religious liberty, that great object of our endeavours, and the point to which all our efforts ought to tend.

The amendment of the 16th article of the Declaration of Rights, was made upon the strongest persuasion, that liberty of speech, as it respected

spected public men in their public conduct, was an essential and darling right of every member of a free State, upon which, in a very eminent degree, the preservation of their other rights depends; that nothing spoken with design to give information of the state of the public should be ever subject to the smallest restraint; and that any attempt to impose such restraint, ought to excite an alarm in the people, as it inferred a consciousness of demerit on the part of those attempting it. That such restraint was more degrading and more strongly marked the slave, than even the privation of the liberty of the press; and that the latter, so absolutely necessary, and therefore so justly dear to every free State, could not be maintained in its full force and vigour without the former. But while we hold up the liberty of the press, as essentially necessary to general freedom, as it respects public men and measures, we reject with abhorrence the idea of its abuse to the injury of private characters.

The next amendment gives power to the Governor, in the recess of the General Court, to march or transport the inhabitants of this State, for the relief of a neighbouring State invaded, or threatened with immediate invasion. This was judged incumbent on the general principles of humanity, and absolutely necessary upon the principles of policy. A threatened invasion may be wholly prevented by the early appearance of a respectable military force, and an invasion actually begun, may be easily repelled, in many instances, by an immediate opposition. In the former case, the lives and properties of our friends and neighbours may be entirely saved and secured; and in the latter case, fewer lives may be lost in all probability, and less property destroyed. Besides, delay may give opportunity to an enemy (so disposed) to take post, and establish himself in

such a manner, as would require a very great force to remove him, while an early small force might be adequate to his immediate expulsion. Further, the withholding immediate aid, may open a passage into our State, and so bring the war to our own doors. It was also suggested, that the Articles of Confederation bound us to grant immediate relief, which can only be obtained by vesting the Governor with such power, and was therefore voted.

The next amendment respects the time of service of the Commissary-general, which is proposed to be limited to five years. This was done, because it was apprehended that a change, or rotation of officers, was necessary, in general to the preservation of freedom. Persons long in office, are apt to lose that sense of dependence upon the people which is essential to keep them within their line of duty to the public. And especially, may the good of the community be promoted by the retirement of such persons from office, at certain fixed periods, who have been largely intrusted with public money or stores.

The next article respects that important writ of habeas corpus. Many reasons might be given for the alterations made. It was judged best to confine the suspension of this great security of personal liberty, or freedom from imprisonment, to times of war, invasion and rebellion, the terms "*urgent and pressing occasions*," being too indefinite, and giving scope to the most powerful engine of despotism and slavery. It was not conceived that any cause could possibly exist in time of peace, that could justify imprisonment without allegation or charge; and the granting a power in a season of tranquility, liable to such gross abuse, and which might be attended with consequences destructive of the dearest privileges, and best interests of the subject, was deemed

deemed incompatible with every principle of liberty. Nay, it was apprehended, that it might operate as an incentive to despotism; and to hold up a temptation to tyranny while human nature is constituted as we find it, was judged to be wholly inexpedient. Confining the suspension even in time of war, invasion and rebellion, to six months, was supposed a proper limitation, as every purpose of an *honest* government might be fully answered in that period. A longer period might lead to a total forgetfulness of the unhappy subject of suspicion, and he might drag on a wretched being in the dark abode of a dungeon, or within the gloomy walls of a prison, without a single ray of hope to enlighten his cell, or a single friend to cheer his desponding spirit! Thus may his dreadful confinement continue, when the reasons that operated to his commitment have been long done away! Can a power pregnant with such mighty evils be too strongly guarded? Or can we be too solicitous to confine it within the narrowest limits that will comport with the public safety.

The only article now to be attended to is the third in the Declaration of Rights, which asserts that piety, religion and morality, are essential to the happiness, peace and good order of a people, and that these principles are diffused by the public worship of God, and by public instructions, &c. and in consequence makes provision for their support. The alterations proposed here, which you will lay before the Convention, were designed to secure the rights of conscience, and to give the fullest scope to religious liberty. In support of the proposition it was urged, that if public worship and public teaching, did certainly (as was allowed) diffuse a general sense of Deity and moral obligation, and so secured the safety of our persons and properties, we ought cheerfully to pay those from

whose agency we derive such advantages. But we are attempting to support (it is said) the kingdom of Christ! It may as well be said we are supporting the kingdom of God, by instituting either civil government, which is declared to be an ordinance of the Deity, and so refuse to pay the magistrate. What would be the consequence of such refusal? The greatest disorder, if not a dissolution of society. Suspend all provision for the inculcation of morality, religion and piety, and confusion and every evil work may be justly dreaded; for it is found that with all the restraints of religion induced by the preaching of ministers, and with all the restraints of government enforced by civil law, the world is far from being as quiet an abode as might be wished. Remove the former by ceasing to support morality, religion and piety, and it would be soon felt that human laws were feeble barriers opposed to the uninformed lusts and passions of mankind. But though we are not supporting the kingdom of Christ, may we not be permitted to assist civil society by an adoption, and by the teaching of the best set of morals that were ever offered to the world. To object to these morals, or even to the piety and religion we aim to inculcate, because they are drawn from the gospel, must appear very singular to an assembly generally professing themselves Christians. Were this really our intention, no objection ought to be made to it, provided, as is in fact the case, that equal liberty is granted to every religious sect and denomination whatever, and it is only required that every man should pay to the support of public worship in his own way. But should any be so conscientious, that they cannot pay to the support of any of the various denominations among us, they may then allot their money to the support of the poor.

It remains only to fix the time  
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when this Form of Government shall take place; but having had large experience of your ability and zeal in the course of the very lengthy session of Convention, the last winter, we very cheerfully leave the determination of this point to that prudence, judgment and integrity, which have so strongly marked your conduct in this department, and to the united wisdom of the whole body.

The following are the names of the inhabitants of Charles-town who signed the Address in page 83.

John Wragg, William Glinn, John Stopton, John Rose, William Greenwood, Jacob Vulk, James Cook, Christopher Fitz Simons, John Davis, Benj. Baker, sen. John Fisher, Charles Atkins, Gideon Dupont, jun. Jer. Savage, Andrew Reid, Zeph. Kingsby, Alex. Oliphant, Paul Hamilton, Robert Wilson, Leonard Askew, And. M'Kenzie, Rob. Lithgow, Wm. Wayne, Ja. G. Williams, James Ross, John Moncrief, John Wells, junior, Allard Bellin, John Wogner, John Ward Taylor, Jock Holmes, James Megown, Wm. Davie, James Duming, John Spridd, William Nervcob, John Daniel, John Collum, John Smith, Lewis Dutarque, James M'Klown, Wm. Burt, John Watson, Anthony Montell, James Lynch, George Grant, Abraham Pearce, John Miot, Fred. Augustine, John Webb, Robert Williams, Alex. Macbeth, John Robertson, John Liber, Hugh Rose, Patrick Bower, Thomas Tod, Brian Fokkie, Thomas Eustace, Emanuel Marshall, And. Mitchell, Farq. M'Collum, George Adamson, William Valentine, Christo. Williman, D. Pendergrafs, Daniel Bell, Edw. Cure, Thomas Timms, Thomas Buckle, sen. Hopkins Prife, George Denholm, Roger Brown, James Strickland, Wm. M'Kimmy, Michael Hubert, David Bruce, John Gray, Tho. Dawson, Tho. Win-

stantly, Cha. Ramadge, William Bower, Alex. Walker, John Lyon, Robert Philip, Robert Johnson, David Taylor, John Latuff, John Gillfnoez, John Barson, Ja. Donavan, jun. Nicholas Boden, Ja. M'Kenzie, Henry Walsh, Isaac Clarke, John Durst, William Cameron, John Russell, John Bell, John Hayes, James M'Kie, James Guillaudeau, Charles Bouchomeau, John Bury, Daniel Boyne, Peter Lambert, Hen. Booklefs, Wm. Edwards, Tho. Buckle, jun. Henry Ephram, John Hartley, James Carmichael, Samuel Adams, Chr. Shutts, Alex. Smith, John M'Call, John Abercrombie, Joseph Jones, Henry Branton, John Callagan, John Ralph, Samuel Bower, George Young, Jos. Milligan, Anthony Geaubeau, Wm. Smith, Jas. Robertson, Michael Quin, John Gornley, Walter Rosewell, Richard Dennis, John W. Gibbs, Benjamin Sinker, John Bartels, William Miller, John Burges, Thomas Hutchinson, Thomas Elfe, Alexander Harvey, John Pafford, Tho. Phepoe, Samuel Knight, Archibald Carson, Tho. Elliot, Thomas Clarry, Tho. Hooper, Char. Sutter, Robert Lindsey, Tho. Richardson, James Rach, Peter Dumont, Tho. Saunders, Ed. Legge, Henry Hardroff, Aaron Locock, Arch. Brown, William Russell, Thomas Coram, James Hartley, Andrew Thompson, Wm. Layton, Nich. Smith, Andrew Stewart, John Hartley, Tho. Steward, Hugh Truir, Lewis Coffere, Hugh Kirkham, Wm. Farrow, Wm. Arisam, Tho. Deighton, Robert Paterfon, John Parkinson, John Love, Alexander Ingles, William Mills, James Duncan, Ja. Blackburn, John Johnston, Samuel Perry, Geo. R. Williams, Mathias Hunkin, Edm. Petrie, William Nisbett, George Cook, Peter Procue, Gilbert Chaliner, Arch. Downs, Alex. Johnstone, James Fagan, Ja. Bryant, James Courtongue, Joseph Wyatt, John Cuple, James M'Linchus,

nachus, William Jennings, Patrick M'Kam, Robt. Beard, Stephen Townshend, Ja. Snead, Cha. Burnham, Rob. M'Intosh, Char. H. Simmonds, G. Thomson, Isaac Lefsen, Isaac Manyh.

*Charles-town, June 5, 1780.*

*New-York, July 1.* General Robertson has great pleasure in communicating to the inhabitants of New-York, a paragraph of a letter he had the honour to receive from the Right Hon. Lord George Germain, one of his Majesty's principal Secretaries of State, dated Whitehall, 3d May, 1780.

"The loyal and spirited behaviour of the inhabitants of New-York, in so chearfully and unanimously taking up arms and embodying for the defence of the town, when it was laid open to an attack on all sides, and deprived by the strength of the frost of the natural defences the rivers at other times afforded, which Major-general Pattison has fully stated to me, does them great honour, and has given the King particular satisfaction, and it is his royal pleasure, that you would take the first opportunity of acquainting them that their conduct is highly approved by his Majesty."

*New-York, June 27, 1780.*

*To the CITIZENS of NEW-YORK.*

"Gentlemen,

"I take singular satisfaction in presenting you with a copy of a letter I have been honoured with from the Commander in Chief, in order that the sense which his Excellency is pleased to entertain of your merits may be publicly known.

"As his Excellency Major-general Robinson has communicated to you, the paragraph of a letter from the Right Hon. Lord George Germain, containing his Majesty's royal approbation of your loyal and spirited behaviour, it is unnecessary for me to recite the contents of one of the same

date, which I have had the honour to receive from his Lordship.

"It may be further presumed that the report, I have thought myself bound to make of the readiness, with which you have since assisted on different occasions, in carrying on the public service, will be no less acceptable than my former one.

I have the honour to be,  
with great regard, Gentlemen,  
your most obedient, and  
much obliged humble servant,  
JAMES PATTISON."

*Head-Quarters, June 20, 1780.*

"SIR,

"Permit me to offer you my thanks for your great attention to the good discipline of the garrison, and to the safety and welfare of the city of New-York, during my absence on an expedition.

"The zeal testified by the inhabitants to oppose the enemy, evinces the confidence and esteem you had merited from them, as well as a courage and loyalty highly to be respected.

"I request, Sir, that you will make known to them, that I am sensible of their merit, and of the additional claim they have acquired to protection and support from his Majesty's arms.

I have the honour to be, Sir,  
your most obedient, and  
most humble servant,

(Signed) H. CLINTON."

Major-general Pattison,  
Commandant of the City of  
New-York.

*State of Massachusetts Bay.*

*By the Honourable the major part of the Council of the State of Massachusetts-Bay, in New England,*

A PROCLAMATION.

"Whereas we have received authentic intelligence of the arrival of the French fleet at Newport, in the State of Rhode-Island; and it being of the last importance that Ge-

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neral Washington should be prepared immediately to co-operate with the forces of our illustrious ally:— Therefore the Brigadiers and Superintendants of the several counties in this State, and all militia officers, Selectmen, and Committees, are respectively called upon in the most pressing manner, as they regard the honour and safety of their country, and as they would avoid the penalty of the law, to cause the battalion and militia-men that they have been ordered to enlist or draft, and which have not marched, to march with the utmost dispatch to the places of rendezvous respectively assigned to them: and the Committee appointed to superintend the purchasing provision and forage for the army, all Commissaries and others employed in the business of purchasing supplies, are also required to forward, with all possible expedition, said supplies, to such places as General Washington or the Commissary-general may from time to time direct.

“ And all merchants, husbandmen, and others, who are possessed of any articles necessary for the army, are earnestly requested, as they regard their own and country's interest, cheerfully, to dispose of the same to the persons appointed by Government to purchase them: and all the towns and plantations, Collectors and Constables, are alike called upon punctually to pay and render into the Treasury of this State, their respective taxes, that the *present opportunity* may be improved to *free* the United States from the terrors of war.

Given at the Council-chamber in Boston, the twelfth day of July, in the year of our Lord one thousand seven hundred and eighty, and in the fifth year of the *Independence* of the *United States of America*.

Signed by the major part of the Council.

True Copy.

Attest. JOHN AVERY, Dep. Sec.  
God save the *United States of America*!

*Baltimore, June 20.* We hear from North-Carolina and Virginia, that the militia of those States were now turning out with great alacrity with a view of co-operating with the continental troops in checking the progress of the enemy under the command of Earl Cornwallis, who, having too far succeeded in South-Carolina, were making rapid strides towards those counties of North-Carolina, which are unhappily disaffected to the United States. Ten thousand Virginians, it is said, are under marching orders to join the increasing continental army in North-Carolina.

On Wednesday last his Excellency General Gates was appointed, by Congress, to the command of the southern army. An express, with the dispatches of that honourable body, for the General, now at his seat at Berkely, Virginia, left Philadelphia on Friday last.

*Philadelphia, June 27.*

*Extract of a letter from a gentleman in Morris-town, dated June 25, 1780, 2 o'clock, P. M.*

“ The Commander in Chief has for several days past been extending the left wing of our army towards the north, so far as to prevent the enemy from out-flanking him with their right.

“ This morning early General Knyphausen with thirteen regiments, consisting of about 5000 regular troops, exclusive of new levies, advanced upon our right, which was commanded by Major-general Green. The progress of the enemy was slow, at least six hours moving from the point to Springfield,

Springfield, but did little mischief on their march. When they arrived, were checked by the spirited conduct of a few continentals and some militia, who gave them so warm a reception, they thought proper to halt and burn every house, except two or three, in the town of Springfield.

“ Six o'clock, P. M. the enemy retired to Elizabeth-town, eleven o'clock, their main body are at the point below the town.”

Last Thursday the ship *Friendship*, Captain Coldstream, a cartel from Charles-town, arrived at Chester, with General Lincoln and his suite, who came to town last night. In the same vessel were Commodore Whipple of Rhode-Island, and all the subaltern marine officers; also James Seagrove and Stacey Hepburne of this city, merchants, Mr. Foster, of Boston, and Mr. Burrows and Mr. Macall, of Charles-town.

The Board of Admiralty reported the device of a seal for the Admiralty of the United States: the arms, thirteen bars mutually supporting each other, alternately red and white in a blue field, and surmounting an anchor proper. The crest a ship under sail. The motto *SUSTENTANS ET SUSTENTATUS*: The legend, U. S. A. Sigil Naval.

The same was ordered by Congress to be engraved, and used as the seal of the Board of Admiralty of the United States of America.

*Fishkill, June 29.* Last week about ninety sail of great and small vessels appeared in the North River, nearly opposite Colonel Phillips's; from hence it was concluded that Sir Harry intended to attack West-Point; in consequence of which the militia in this county was called out, who appeared at their respective places of rendezvous with great alertness. We have since heard that most of the vessels have fallen down the river. 'Tis thought this manœuvre was made in order to faci-

tate their burning plan in New-Jersey. Though they burnt the small town of Springfield, they paid dearly for it, having lost in killed and wounded, by the best accounts we can collect, from 500 to 700.

*Fishkill, July 6.—Extract of a letter from the Continental Village, July 2.*

“ The enemy lie in the following order:—Their center are encamped on Valentine's-hill, their left on Phillips's-hill, their right near Stephen's-ward, East Chester; the British grenadiers on the right, and the Hessian on the left; the light infantry advanced half a mile in front: their sick and wounded removed out of the hospitals into the country. Yesterday about 200 of the enemy's horse and some infantry, under Colonel Hatfield, came into Middle-patten and its vicinity, and collected upwards of 100 head of horned cattle, some horses, and upwards of 200 sheep. Captain Sacket, commanding about 40 of the levies of this State, waylaid them in the neighbourhood of Benjamin Clapp's, retook all their cattle and sheep, and wounded a number of them; they then endeavoured to retire between him and the Sound, where Colonel Bebee with some Connecticut levies was posted, who also fired on them, took some prisoners, and wounded a number. The enemy left six killed behind them. Colonel Bebee lost one man. The infamous Mr. Frink is shot through the hip.”

*Trenton, June 28.—Extract of a letter from camp near Springfield, dated June 24, 1780.*

(For the British account of the operations in Jersey, see page 141.)

“ This morning some of our horsemen have been down to Elizabeth-town, and find that the enemy went over to Staten Island last night, and took up the bridge, and bid us farewell. Deserters and prisoners agree, that their next expedition

tion will be carried on up the North River."

Sunday evening last the Philadelphia troop of light-dragoons arrived here from that city, under the command of Captain Burden; and early next morning they marched for headquarters. They were exceedingly well mounted, and made a very martial appearance.

The ladies of this town and neighbourhood, animated by the ardour which prevails more and more among all ranks of people, to distinguish themselves in the present conjuncture of public affairs, have instituted a subscription to be applied as a donation to the soldiery, for the purpose of rendering their situation more easy and comfortable. A large sum has already been given, and we flatter ourselves that similar subscriptions will circulate throughout the State.

*Extract from General Orders.*

*Springfield, June 22, 1780.*

"The Commander in Chief cannot leave this post, without expressing his highest sense he entertains of the conduct and bravery of the officers and men of Maxwell's brigade, in annoying the enemy in their incursions of the 7th instant. Colonel Dayton merits particular thanks. He also with pleasure embraces this opportunity of testifying, that the behaviour of the militia has been such as to do them signal honour, and entitles them to the warmest approbation. There never, since the commencement of the contest, appeared a more general ardour than animated all ranks upon the occasion, and the spirited opposition given was attended with answerable effects."

*Providence, July 12.* We are happy to announce the arrival of the fleet and army which his Most Christian Majesty has most generously sent to the assistance of these States. This fleet, commanded by the Chevalier de Ternay, and consisting of seven sail of the line, with a large number

of frigates, transports, &c. having on board 6000 land forces, entered the harbour of Newport yesterday.

With pleasure we observe the noble spirit which invigorated these States in seventy-six again take possession of every breast. The loss of Charles-town, like that of Ticonderoga, instead of being a misfortune, will, it is presumed from present appearances, turn out a real advantage. Our illustrious Chief will shortly have an army sufficient to extirpate the Britons from this continent; and, with the assistance our generous ally hath sent us, it will, no doubt, soon be accomplished.

The Hon. Major-general Heath, with his suit, set out for Newport yesterday.

*Boston, July 13.* We are well informed, that a great patriotic spirit prevails in the county of York; and that the new levies, ordered to be raised there, were expected to be all raised last week.

*Extract of a letter from an Officer at Camp, dated Ramapo (New Jersey) June 28, 1780.*

"In my last, I mentioned we were at a loss to form an idea of the enemy's design; however, the Commander in Chief had some reason to believe they had an intention up the North River; and on the 20th inst. he moved off with the Pennsylvania and Connecticut lines towards the North River, leaving the Jersey line and Gen. Stark's brigade with the scattering militia, at Short Hills, under the command of Gen. Greene, to watch the motions of the enemy, who remained quiet at their post at Elizabeth-town point, till the morning of the 23d instant, when they moved out in force, seven thousand strong, and advanced very rapidly towards Springfield, meeting with very little opposition till they arrived at the bridge below the town, which Col. Angel's regiment was ordered to defend. At eleven o'clock they marched



marched up and endeavoured to gain the bridge, which we maintained for fifteen minutes, with one hundred and seventy men of our regiment (the remainder being on detachments, &c.) against one thousand five hundred British, and finding it impossible longer to maintain the pass with such unequal numbers, we were obliged to retire with the loss of one serjeant and five privates killed; one captain, three subalterns, three serjeants, and twenty-five rank and file wounded, and three rank and file missing; total forty-one; which is nearly one quarter part of our number. Gen. Greene having less than a thousand men, including the embodied militia, and as his Excellency was not within supporting distance, he was obliged to take post at Short Hills, in the rear of Springfield, and could not detach a greater force to defend the bridge. The enemy immediately on gaining the pass marched into town, and, in their usual way, set fire to every house (except four); and after reducing the little village to ashes, amounting to near fifty dwelling-houses, &c. they were unwilling to attempt the pass at Short-Hills, having met with so warm a reception at the bridge. From our advantageous situation, and the numbers we suffered during the action, we may presume the loss of the enemy far exceeded ours, we having the most favourable opportunity that could be wished to heave out fire in front and flank of their column, during the time they were gaining the pass.

The waggons in their rear took off their killed and wounded; the inhabitants say eight loads were carried off the field, besides a number of dead buried in the woods, twelve of which we have found.

"After the enemy began to retire from the town, the scattered militia pursued with great spirit, but their rear guard being very strong, they

were not so much annoyed in their retreat as I could wish. They retired in great haste to the Point, and in the night they quitted their post and went to Staten Island and York Island. Gen. Greene and his division was immediately ordered to march and join his Excellency on the way to the North River. The army is now halted at this place, Ramapo, twenty miles from the river. Our next movement will probably depend upon that of the enemy. 'Tis not unpleasing to me that we have acquired new laurels, such as I have the vanity to believe the bravest troops would be proud to share; and what adds more to our satisfaction is, that we have had the particular thanks of our illustrious Chief. Inclosed I send you a copy of the general orders on this occasion.

P. S. The officers wounded are Capt. S. Olney, in his arm, not dangerous, Ensign Green, Rogers and Greenman, all slightly."

#### GENERAL ORDERS.

Head-quarters, Ramapo, June 28, 1780.

The Commander in Chief requests General Greene and the officers and men under his command, to accept his warmest thanks for their good conduct and gallantry displayed in opposing the enemy in their advances to Springfield the 23d inst.

Col. Angell's regiment from its situation, had an opportunity of more particularly distinguishing itself, and is entitled to particular notice.

The General has observed, with the highest satisfaction, that the behaviour of the troops upon every late occasion has exhibited signal proofs how much may be expected from their valour, improved as it now is by discipline, and affords the happiest presage of success in our future operations. See page 141.

*State of Massachusetts-Bay, Council Chamber, July 6, 1780.*

"Whereas it has been represented to

to this Board, that the agents appointed by the General Court to procure the horses, for which a requisition hath been by General Washington, after procuring the said horses, have been in doubt what farther measures are to be taken by them :

“ Resolved, That the agents appointed as aforesaid, be and they are hereby respectively directed, as soon as may be, to convey the said horses to Springfield, in the county of Hampshire, either by permitting the officers and soldiers of the several towns to make use of them in transporting their baggage, or in such other manner as to the said agents shall appear most convenient and expeditious, and deliver the same horses to the order of Samuel Osgood, Elijah Hunt, and Oliver Phelps, Esq.

A true copy.

Attest. JOHN AVERY, Dep. Sec.”  
*State of Massachusetts Bay, Council Chamber, July 9. 1780.*

“ Whereas his Excellency General Washington, by his letter received this day, most pressingly urges the march of the reinforcement of the Continental army ordered from this State by the resolves of June the 5th and 23d last ; and as in the said resolves, the several towns and plantations in the counties of Suffolk, Essex, Middlesex, Plymouth, and Bristol, were directed to make return into the Secretary’s office of their several quotas, on or before the 25th of said June last ; and the counties of Barnstable, Worcester, Hampshire, and York, on or before the first day of July current ; and Berkshire on the sixth day of said July : and as the said terms are expired, and few returns have yet been made, to the great detriment of the service : therefore, to the intent that General Washington may be fully acquainted with the doings of this State in the premises, and the numbers marching to his aid,

“ Ordered, That the several towns and plantations in this State be, and they are hereby directed, as they would escape the severe censure of the General Court, to make immediate returns of the numbers enlisted or detached, and also what numbers have actually marched to the place of rendezvous, appointed in said resolves, as a reinforcement of the Continental army for six months.

A true copy.

Attest. JOHN AVERY, Dep. Sec.”  
*State of Massachusetts Bay, in Convention, June 16, 1780.*

“ Whereas, upon due examination of the returns made by the several towns and plantations within this State, it appears that more than two thirds of the inhabitants thereof, who have voted on the same, have expressed their approbation of the form of Government agreed upon by this Convention, and laid before them for their consideration, in conformity to a resolve of the said Convention of the second day of March last : this Convention do hereupon declare the said form to be the Constitution of Government established by and for the inhabitants of the State of Massachusetts Bay.

“ And as the said inhabitants have authorized and empowered this Convention to agree upon a time when the same shall take place : in order that the good people of this State may have the benefit thereof as soon as conveniently may be,

“ It is resolved, That the said constitution or frame of government shall take place on the last Wednesday in October next, and not before, for any purpose, save only for that of making elections agreeable to this resolution.

“ And the first General Court under the same shall be holden on the said last Wednesday in October, at the State-house in Boston, at ten o’clock in the forenoon—And in order thereto, there shall be a meeting of the inhabitants of each town and plantation,

plantation in the several counties within this State, legally warned and held, on the first Monday in September next, for the purpose of electing a Governor, Lieutenant-governor, and persons for Counsellors and Senators—And there shall also be a meeting of the inhabitants of the several towns with this State, daily warned and held, sometime in October next, and ten days at the least before the last Wednesday in the same month, for the purpose of choosing representatives to serve in the said General Court. And the selectmen are hereby enjoined to call such meetings, and to preside at the same. And in all elections, and in making, receiving, and examining returns, and in conducting the whole business of organizing and establishing the said General Court, the same rules are to be observed that are prescribed in the form of government for making such elections, and for the constituting the first General Court; saving only the difference of times.

“And it is further resolved, That Samuel Barret, Esq. (Secretary to the Convention) do, on or before the fifteenth day of July next, cause printed copies of this resolution to be sent to the selectmen of the several plantations aforesaid; who are respectively to perform the duties required by this resolution and to make seasonable and regular returns of the persons elected to the several offices herein mentioned, into the Secretary's office of this State, agreeable to the rules contained in the form of government above referred to.

“In the name, and pursuant to resolution of the Convention.

“JAMES BOWDOIN, President.”  
Attest. SAMUEL BARRETT, Sec.

[N. B. The selectmen and assessors, in the several towns and plantations to whom the above copies shall be directed, are desired to deliver

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one to each of their Delegates in the late Convention.]

*Boston, June 5: Wednesday being the anniversary for the election of Counsellors, the General Assembly met at the State-house, and after the oath of allegiance to the State was administered to the gentlemen, returned from the several towns, to serve as members of the Hon. House of Representatives, they unanimously made choice of the Hon. John Hancock, Esq. for their Speaker, and Samuel Freeman, Esq. for their Clerk. The two Houses, escorted by the Independent Company of this town, then proceeded to the Old Brick Meeting-house, where an excellent sermon was preached by the Rev. Mr. Howard, from Exodus xviii. ver. 24.*

*The following is a list of the Honourable House of Representatives.*

*In the county of Suffolk.*

Boston, Hon. John Hancock, Esq. Caleb Davis, Esq. Thomas Dawes, Esq. \* John Lowell, Esq. Mr. Thomas Walley, Samuel Austin, Esq. \* John Rowe, Esq. Roxbury, \* Mr. David Weld. Dorchester, Ebenezer Wales, Esq. Milton, \* Samuel Henshaw, Esq. Braintree, Richard Cranch, Esq. Weymouth, \* Mr. Josiah Waterman. Hingham, \* Captain Charles Cushing. Conasset, \* Lieut. Stephen Studder. Dedham, \* Mr. Abder Ellis. Medfield, Mr. Daniel Perry. Wrentham, Mr. Lemuel Kellock. Brookline, Colonel Thomas Aspinwall. Needham, \* Colonel William M'Intosh. Stoughton, \* Thomas Crane, Esq. Stoughtonham, Mr. Nathaniel Kimbury. Medway, \* Captain Jonathan Adams. Bellingham, Stephen Metcalf, Esq. Walpole, Major Seth Ballard. Chelsea, \* Capt. Jonathan Green. Franklin, Doctor John Metcalf. Foxborough, Mr. John Everett.

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*In the county of Essex.*

Salem, Hon. John Pickering, Esq.  
 Captain Samuel Ward. Danvers,  
 \* Hon. Samuel Holtan, Esq. Colo-  
 nel Israel Hutchinson. Ipswich,  
 Hon. Michael Farley, Esq. Hon.  
 Stephen Cheefe, Esq. Newbury,  
 Mafs Little, Esq. Col. Jacob Ger-  
 rish. Newbury-port, Hon. John  
 Greeleaf, Esq. Jonathan Titcomb,  
 Esq. Marblehead, \* Hon. Azor  
 Orne, Esq. \* Jonathan Glover, Esq.  
 \* Joshua Orne, Esq. \* William R.  
 Lee, Esq. Lynn, \* Mr. Samuel  
 Burrill. Andover, Samuel Osgood,  
 Esq. Samuel Phillips, jun. Esq.  
 Beverley, \* Col. Larkin Thorndike.  
 Rowley, \* Nathaniel Meghill, Esq.  
 Salisbury, Major Joseph Page. Ha-  
 verhill, Jonathan Webster, Esq.  
 Gloucester, \* Peter Coffin, Esq.  
 Topsfield, Mr. Zacheus Gould.  
 Almsbury, \* Jonathan Bagley, Esq.  
 Bradford, \* Mr. Peter Russell. Box-  
 ford, \* Major Asa Parly.

*In the county of Middlesex.*

Cambridge, Samuel Thatcher,  
 Esq. Charles-town, Nath. Gur-  
 ham, Esq. Watertown, Jonathan  
 Browe, Esq. Woburn, Colonel  
 Loanin Baldwin. Concord, Major  
 Joseph Hofmer. Newton, Mr.  
 Thomas Parker. Reading, \* Capt.  
 James Bancroft. Marlborough,  
 Mr. Simon Stow. Billerica, \* Ma-  
 jor Edward Farmer. Framingham,  
 Mr. William Brown. Lexington,  
 Mr. Robert Harrington. Chelms-  
 ford, Mr. Aaron Chamberlin.  
 Sherburne, \* Daniel Whitney, Esq.  
 Sudbury, Captain Jonathan Rice.  
 Malden, \* Ezra Sergeant, Esq.  
 Weston, \* Mr. Joseph Roberts.  
 Medford, Thomas Brooks, Esq.  
 Hopkinton, \* Capt. Gilbert Dench.  
 Westford, Captain Joseph Read.  
 Waltham, \* Jonas Dix, Esq. Gro-  
 ton, Hon. James Prescott, Esq.  
 Pepperil, \* Colonel Henry Woods.  
 Townsend, \* Lieut. James Lock.  
 Warrington, \* Captain John Har-  
 den. Dracut, \* Captain Joseph

Bradley Narnum. Acton and dis-  
 trict of Carlisle, \* Captain Simon  
 Hunt. Dunstable, \* Hon. John  
 Tyng, Esq. Lincoln, \* Hon.  
 Eleazer Brooks, Esq. East Sud-  
 bury, \* Capt. Richard Heard.

*In the county of Hampshire.*

Springfield, Col. Jonathan Hate,  
 \* Mr. Thomas Williston. West-  
 Springfield, Major Benjamin Ely,  
 \* Abraham Burbank, Esq. Ner-  
 thampton, Capt. Elijah Hunt, \* Mr.  
 Ephraim Wright. Hadley, \* Mr.  
 Charles Phelps. Amherst, Mr.  
 Ebenezer Mattoon, jun. Granby,  
 Captain Phineas Smith. Hasfield,  
 John Hastings, Esq. Williams-  
 burgh, \* Mr. Joseph Johnson.  
 Witfield, \* Mr. Samuel Fowle.  
 Greanfield, \* Mr. David Smead.  
 Sunderland, \* Captain Israel Hub-  
 bard. Brimfield, \* Mr. Daniel  
 Burt. Monson, Mr. Abel Good-  
 hall. Blanford, \* Mr. Wm. Boies.  
 Granville, Mr. Olive Phelps, \* Mr.  
 Josiah Harvey. Belchertown, \* Mr.  
 Joseph Smith. Southwick, Mr.  
 Anthony Fowler. Cummington,  
 \* Capt. William Ward.

*In the county of Plymouth.*

Plymouth, Hon. James Warren,  
 Esq. Scituate, \* Rev. Charles  
 Turner, \* Mr. Daniel Damon.  
 Duxbury, Hon. John Partridge,  
 Esq. Marshfield, Mr. Samuel Oak-  
 man. Bridgewater, \* Capt. Na-  
 than Mitchell, Major Josiah Hay-  
 den. Middleborough, \* Dr. Sa-  
 muel Clark. Rochester, Col. Ebe-  
 nezer White. Plympton, \* Lieut.  
 Francis Shurtloff. Pembroke, John  
 Turner, Esq. Kingston, \* William  
 Drew, Esq. Abington, Mr. Sam.  
 Poole. Hanover, \* Mr. Dav. Jacob.

*In the county of Barnstable.*

Barnstable, Edward Bacon, Esq.  
 Sandwich, Nathaniel Freeman, Esq.  
 Yarmouth, \* Capt. Edmund Howes.  
 Wellfleet, \* John Greenough, Esq.  
 Chatham, \* Mr. Rich. Seers. Har-  
 wich, Solomon Freeman, Esq. Jo-  
 seph Nye, Esq.

*In the county of Bristol.*

Taunton, \* Capt. I. Leonard.  
 Rehoboth, Mr. Ephraim Starkweather, \* Captain Stephen Bullock.  
 Swanzey, \* Hon. Jothameel Bowers, Esq.  
 Dartmouth, Edward Pope, Esq.  
 \* Capt. Job Almy. Norton, \* Hon. George Leonard, Esq.  
 Mansfield, \* Capt. Samuel White.  
 Attleborough, Major Elisha May, \* Col. John Dagger. Freetown, \* Mr. John Hathaway. Rainham, Capt. T. Washbourn. Easton, Capt. James Parry. Berkley, \* Samuel Toby, Esq.

*In the county of York.*

York, Col. Edward Grow. Cittery, John Frost, Esq. Wells, Capt. Joshua Bragdon. Berwich, \* Hon. B. Chadburne, Esq.

*In the county of Worcester.*

Worcester, Samuel Curtis, Esq. Lancaster, \* Capt. William Putnam. Mendoc, \* Major Ebenezer Thompson. Brookfield, \* Dwight Foster, Esq. Oxford, Edward Davis, Esq. Charlton, \* Jacob Davis, Esq. Sutton, Amos Singletary, Esq. Leicester, Major Seth Washborne. Spencer, \* Mr. Oliver Watfon. Kutland, J. Fessander, Esq. Oakham, \* Capt. Isaac Stone. Westborough, Dr. Ja. Hawes. Shrewsbury, Mr. Ephraim Bruman. Fitchborough, \* Capt. Thomas Cowdin. Uxbridge, Nathan Tyer, Esq. Dudley, Edward Davis, Esq. Bolton, \* Mr. Ephraim Fairbank. Sturbridge, \* Mr. Joshua Harding. Leominster, Israel Nichols, Esq. Holden, \* John Child, Esq. Northbridge, Mr. Jonathan Sacan.

*In the county of Cumberland.*

Falmouth, \* Hon. Jerem. Prendle, Esq. Scarborough, \* Mr. Samuel Small.

*In the county of Berkshire.*

Sheffield, \* Mr. Theodore Sedgwick, \* Dr. Samuel Barnard. Great-Barrington, \* Major William King. Stockbridge, \* John Bacon, Esq. Jahleck Woodbridge, Esq.

Pittsfield, \* Capt. James Easton. Tyringham, \* Lieut. Joseph Wilson. Lanisborough, \* James Barker, Esq. \* Capt. Asa Barnes.

N. B. The Members with this [\*] mark did not belong to the House the last year.

The following gentlemen are chosen Counsellors for the year ensuing, viz.

Of the inhabitants of, or proprietors of lands, formerly called the colony of Massachusetts Bay.

Honourable James Bowdoin, Esq. President; Thomas Cushing, Esq. James Fisher, Esq. Samuel Holten, Esq. Moses Gill, Esq. \* Benjamin Austin, Esq. Timothy Danielson, Esq. \* Josiah Stone, Esq. Abraham Fuller, Esq. Samuel Niles, Esq. Samuel Baker, Esq. John Pitts, Esq. \* Eleazar Brooks, Esq. Aaron Wood, Esq. \* Stephen Choate, Esq. \* Caleb Strong, Esq. \* William Whiting, Esq. \* Joseph Dore, Esq.

Of the inhabitants of, or proprietors of lands, formerly called the territory of New Plymouth:

Honourable Walter Spooner, Esq. Daniel Davis Esq. Nathan Cushing, Esq. Thomas Durpee, Esq.

Of the inhabitants of, or proprietors of lands, formerly called the province of Maine:

Honourable Jeremiah Powell, Esq. Joseph Simpson, Esq. Edward Cutt, Esq.

Of the inhabitants of, or proprietors of lands within the territory formerly called River Sagadahock and Nova-Scotia:

Honourable Henry Gardiner, Esq.

At large:

Hon. Robert Treat Payne, Esq. Benjamin White, Esq.

Those gentlemen with this [\*] mark, were not of the Board the last year.

*Philadelphia, June 6.*

*Bay of Mobile, May 8, 1780.*

S I R,

I have happily concluded the expedition

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pedition which I undertook against the fort of Mobile, which was possessed by the English; and I have prevailed on Mr. William Pickles, Captain of the American sloop called the West-Florida, to go to your States on the mutual service of my own and your nation, and our common cause. The good conduct and behaviour which this gentleman has manifested to me, and the inhabitants of this province of Louisiana, while he commanded the ship Morris (which was cast away in the hurricane of the 18th of August, last year) his experienced valour and services at the capture of West-Florida, with his schooner, which facilitated that undertaking, his talents and qualifications; the manner in which he conformed to every direction that I gave him, entitles him to my warmest acknowledgments, and induces me to recommend him to your Excellency's protection, he being a worthy officer, on whom I wish you to bestow your favour.

I have the honour to be, your most humble and obedient servant,

BERNARDO DE GALVEZ.

*To his Excellency the President of Congress.*

Published by order of Congress,

CHARLES THOMPSON, Sec.

[Here follow the Articles of Capitulation, for which see page 100.]

*State of Massachusetts-Bay.*

*In the House of Representatives,*

*June 14, 1780.*

Whereas the present crisis is pregnant with the most important events to the country, and a vigorous and immediate attention to the requisition of the Committee of Congress, and General Washington, for filling up the Continental army, and forwarding supplies, will probably produce the most happy effects; and as the necessary measures for that end will be greatly embarrassed, unless

as many effective men as are in the State be retained in it; and for this end an immediate embargo is unavoidable: Therefore,

Resolved, That from and after the 15th day of June instant, no ship or vessel other than coasting and fishing vessels, be permitted to sail from any port or harbour in the county of Suffolk, nor after the sixteenth day of the same June, from any port or harbour in the county of Essex, Plymouth, or Barnstable, nor after the eighteenth day of the same June, from any port or harbour in this State, until the further order of the General Court or Council in the recess thereof. And the several naval officers and Commanders of forts in this State, are directed to take notice hereof and govern themselves accordingly.

And it is further resolved, That if any ship or vessel shall sail out of any port or harbour in this State, contrary to this resolve, one fourth part thereof, together with the cargo on board the same, shall be forfeited to the use of any person, who shall prosecute in the maritime Court for the same.

And whereas it may so happen that some vessels may be in peculiar circumstances, and it may be necessary that permits be given for their sailing notwithstanding this embargo;

Therefore be it further

Resolved, That the Honourable Councils are hereby empowered to grant permits for any vessel to sail, and order the naval officer for the port from whence such vessel is to sail, to clear her out, where they shall judge the circumstances of the case absolutely require it. And it is further

Resolved, That the Secretary of this State is hereby directed to furnish the several naval officers in this State, in the most expeditious manner

ner possible, with a copy of the foregoing resolutions.

Sent up for concurrence,

JOHN HANCOCK, Speaker.

In Council, June 15, 1780. Read and concurred.

JOHN AVERY, Dep. Sec.

Consented to by the major part of the Council.

A true copy.

Attest. JOHN AVERY, Dep. Sec.

*New-York, July 25.* The following are accounts received here of the proceedings of the Congress at Philadelphia, on May 22.

*In Congress, May 22.* Ordered, That the letter of the 13th of May from General Washington, and the letter of the 16th from the Marquis de la Fayette, with the resolution passed in consequence thereof, be published.

*Head-quarters, Morris-town, May 13, 1780.*

The Marquis de la Fayette will have the honour to deliver you this.

I am persuaded Congress will participate in the joy I feel, at the return of a gentleman who has distinguished himself in the service of this country so signally; who has given so many and so decisive proofs of his attachment to its interests, and who ought to be dear to it by every motive. The warm friendship I have for him conspires with considerations of public utility to afford me a double satisfaction in his return.

During the time he has been in France, he has uniformly manifested the same zeal in our affairs, which animated his conduct while he was among us, and has been, upon all occasions, an essential friend to America.

He merits, and I doubt not Congress will give him every mark of consideration and regard in their power.

I have the honour to be, with perfect respect, your Excellency's most obedient and humble servant,

GEORGE WASHINGTON.

*His Excellency the President of Congress.*

*Philadelphia, May 16, 1780.*

SIR,

After so many favours, which, on every occasion, and particularly at my obtaining a leave of absence, Congress were pleased most graciously to bestow on me, I dare presume myself intitled to impart to them the private feelings which I now so happily experience.

In an early epoch in our noble contest, I gloried in the name of an American soldier, and heartily enjoyed the honour I have of serving the United States, my satisfaction is at this long wished for moment entirely compleat; when putting an end to my furlough, I have been able again to join my colours, under which I hope for opportunities of indulging the ardent zeal, the unbounded gratitude, the warm, and I might say, the patriotic love, by which I am for ever bound to America.

In begging, Sir, you will present Congress with a new assurance of my profound respect, and my grateful affectionate sentiments.

I have the honour to be, with the highest regard, your Excellency's most obedient humble servant,

LA FAYETTE.

*In Congress, May 16.* Resolved, That Congress consider the return of the Marquis de la Fayette to America, to resume his command in the army, as a fresh proof of the disinterested zeal and persevering attachment which have justly recommended him to the public confidence and applause; and that they receive with pleasure a tender of the farther services

services of so gallant and meritorious an officer.

Published by order of Congress,  
CHARLES THOMSON, Sec:

*An ADDRESS of the CONVENTION, for framing a new CONSTITUTION of GOVERNMENT, for the STATE of MASSACHUSETTS-BAY, to their Constituents.*

Friends and Countrymen,

Having had your appointment and instruction, we have undertaken the arduous task of preparing a civil Constitution for the people of the Massachusetts-Bay; and we now submit it to your candid consideration. It is your *interest* to revise it with the greatest care and circumspection, and it is your undoubted *right*, either to propose such alterations and amendments as you shall judge proper, or to give it your own sanction in its present form, or totally to reject it.

In framing a Constitution, to be adapted as far as possible to the circumstances of posterity yet unborn, you will conceive it to be exceedingly difficult, if not impracticable, to succeed in every part of it, to the full satisfaction of all. Could the *whole body* of the people have convened for the same purpose, there might have been equal reason to conclude, that a perfect unanimity of sentiments would have been an object not to be obtained. In a business so universally interesting, we have endeavoured to act as became the representatives of a wise, understanding, and free people; and, as we have reason to believe you would *yourselves* have done, we have opened our sentiments to each other with candour, and made such mutual concessions as we could consistently, and without marring the only plan, which, in our most mature judgment, we can at present offer to you.

The interest of the society is common to all its members. The great

enquiry is, wherein this common interest consists. In determining this question, an advantage may arise from a variety of sentiments offered to public examination concerning it: But wise men are not apt to be obstinately tenacious of their own opinions: they will always pay a due regard to those of other men, and keep their minds open to conviction. We conceive, that in the present instance, by accommodating ourselves to each other, and individually yielding particular and even favourite opinions of smaller moment, to essential principles, and considerations of general utility, the public opinion of the plan now before you may be consolidated. But without such mutual concession in unimportant matters, we may almost venture to predict, that we shall not soon, if ever, be blessed with such a Constitution as those are entitled to, who have struggled hard for freedom and independence. You will permit us on this occasion just to hint to you our own apprehension, that there may be amongst us, some persons disaffected to that great cause for which we are contending, who may be secretly instructed by our common enemy to divide and distract us, in hopes of preventing our union in any form of Government whatever, and, by this means, of depriving us of the most honourable testimony, as well as the greatest security of our freedom and independence.—If there be such men, it is our wisdom to mark them, and guard ourselves against their designs.

We may not expect to agree in a perfect system of Government; this is not the lot of mankind. The great end of Government is to promote the supreme good of human society; every social affection should therefore be interested in the forming of a Government, and in judging of one when it is formed. Would it not be prudent for individuals to

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cast out of the scale smaller considerations, and fall in with an evident majority, unless in matters in which their consciences shall constrain them to determine otherwise? Such a sacrifice, made for the sake of union, would afford a strong evidence of public affection; and union, strengthened by the social feeling, would promise a greater stability to any Constitution, and, in its operation, a greater degree of happiness to the society. It is here to be remembered, that on the expiration of fifteen years a new Convention may be held, in order that such amendments may be made in the plan you may now agree to, as experience, that best instructor, shall then point out to be expedient or necessary.

A Government without power to exert itself, is, at best, but an useless piece of machinery. It is probable, that for the want of energy, it would speedily lose even the appearance of Government, and sink into anarchy. Unless a due proportion of weight is given to each of the powers of Government, there will soon be a confusion of the whole. An overbearing of any one of its parts on the rest, would destroy the ballance and accelerate its dissolution and ruin; and a power without any restraint is tyranny. The powers of Government must then be ballanced: to do this accurately requires the highest skill in political architecture. Those who are to be invested with the Administration, should have such powers given to them as are requisite to render them useful in their respective places; and such checks should be added to every branch of power as may be sufficient to prevent its becoming formidable and injurious to the Commonwealth. If we have been so fortunate as to succeed in this point of the greatest importance, our happiness will be compleat in the prospect of having laid a good foundation for many ge-

nerations. You are the judges how far we have succeeded; and whether we have raised our superstructure, agreeably to our professed design, upon the principles of a *free Commonwealth*.

In order to assist your judgments, we have thought it necessary briefly to explain to you the grounds and reasons upon which we have formed our plan. In the third article of the Declaration of Rights, we have, with as much precision as we were capable of giving it, provided for the free exercise of *the rights of conscience*, we are very sensible that our constituents hold these rights infinitely more valuable than all others; and we flatter ourselves, that while we have considered morality and the public worship of God, as important to the happiness of society, we have sufficiently guarded the rights of conscience from every possible infringement. This article underwent long debates, and took time in proportion to its importance; and we feel ourselves peculiarly happy in being able to inform you, that though the debates were managed by persons of various denominations, it was finally agreed upon with much more unanimity than usually takes place in disquisitions of this nature. We wish you to consider the subject with candour and attention. Surely it would be an affront to the people of Massachusetts-Bay to labour to convince them, that the honour and happiness of a people depend upon morality; and that the public worship of God has a tendency to inculcate the principles thereof, as well as to preserve a people from forsaking civilization, and falling into a state of savage barbarity.

In the form now presented to you, there are no more departments of Government than are absolutely necessary for the free and full exercise of the powers thereof. The House of Representatives is intended as the representative

representative of the persons and the Senate, of the property of the Commonwealth. These are to be annually chosen, and to sit in separate bodies, each having a negative upon the acts of the other. This power of a negative in each must ever be necessary: for all bodies of men, assembled upon the same occasion, and united by one common interest of rank, honour, or estate, are liable, like an individual, to mistake, bias and prejudice. These two Houses are vested with the powers of legislation, and are to be chosen by the male inhabitants, who are twenty-one years of age, and have a freehold of the small annual income of three pounds, or sixty pounds in any estate. Your Delegates considered that persons, who are twenty-one years of age, and have no property, are either those who live upon a part of a paternal estate, expecting the fee thereof, who are but just entering into business, or those whose idleness of life and profligacy of manners will for ever bar them from acquiring and possessing property. And we will submit it to the former class, whether they would not think it safer for them to have their right of voting for a representative suspended for small space of time, than for ever hereafter to have their privileges liable to the controul of men, who will pay less regard to the rights of property, because they have nothing to lose.

The power of revising, and stating objections to any bill or resolve that shall be passed by the two houses, we are of opinion ought to be lodged in the hands of some *one* person; not only to preserve the laws from being unsystematical and inaccurate, but that a due ballance may be preserved in the three capital powers of Government, the legislative, the judicial, and executive powers naturally exist in every Government: and the history of the rise and fall of

the empires of the world affords us ample proof, that when the same man or body of men enact, interpret, and execute the laws, property becomes too precarious to be valuable, and a people are finally borne down with the force of corruption, resulting from the union of those powers. The Governor is emphatically the representative of the whole people, being chosen not by one town or county, but by the people at large. We have therefore thought it safest to rest this power in his hands; and as the safety of the Commonwealth requires, that there should be one Commander in Chief over the militia, we have given the Governor that command for the same reason, that we thought him the only proper person that could be trusted with the power of revising the bills and resolves of the General Assembly; but the people may, if they please, choose their own officers.

You will observe that we have resolved, that representation ought to be founded on the principle of equality; but it cannot be understood thereby that each town in the commonwealth shall have weight and importance in a just proportion to its numbers and property. An exact representation would be impracticable, even in a system of government arising from the state of nature, and much more so in a state already divided into nearly three hundred corporations. But we have agreed that each town, having one hundred and fifty rateable poles, shall be entitled to send one member, and to prevent an advantage arising to the greater towns by their numbers, have agreed that no town shall send two, unless it hath three hundred and seventy-five rateable poles, and then the still larger towns are to send one member for every two hundred and twenty-five rateable poles; over and above three hundred and seventy-five. This method of calculation will give a  
more

more exact representation, when applied to all the towns in the State, than any that we could fix upon.

We have, however, digressed from this rule in admitting the small towns now incorporated to send members. There are but few of them which will not, from their continual increase, be able to send one upon the above plan in a very little time. And the few who will never probably have that number have heretofore had the exercise of this privilege, and will now be very unwilling to relinquish it.

To prevent the Governor from abusing the power which is necessary to be put into his hands, we have provided that he shall have a Council to advise him at all times and upon all important occasions, and he with the advice of his Council is to have the appointment of civil officers. This was very readily agreed to by your delegates, and will undoubtedly be agreeable to their constituents; for if those officers who are to interpret and execute the laws, are to be dependent upon the election of the people, it must for ever keep them under the controul of ambitious, artful, and interested men, who can obtain most votes for them. If they were to be appointed by the two houses, or either of them, the persons appointing them would be too numerous to be accountable for putting weak or wicked men into office. Besides, the house is designed as the grand inquest of the commonwealth, and are to impeach officers for mal conduct, the senate are to try the merits of such impeachments; it would be therefore unfit that they should have the creation of those officers which the one may impeach and the other remove; but we conceive there is the greatest propriety in vesting the Governor with this power, he being, as we have before observed, the complete representative of all the people,

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and at all times liable to be impeached by the house before the senate for mal-administration. And we would here observe, that all the powers which we have given the Governor are necessary to be lodged in the hands of one man, as the General of the army and first magistrate, and none can be entitled to it but he who has the annual and united suffrages of the whole Commonwealth.

You will readily conceive it to be necessary, for your own safety, that your judges should hold their offices during good behaviour: for men who hold their places upon so precarious a tenure as annual or other frequent appointments will never so assiduously apply themselves to study as will be necessary to the filling their places with dignity. Judges should at all times feel themselves independent and free.

Your delegates have further provided, that the supreme judicial department, by fixed and ample salaries, may be enabled to devote themselves wholly to the duties of their important office. And for this reason, as well as to keep this department separate from the others in government, have excluded them from a seat in the legislature; and when our constituents consider that the final decision of their lives and properties must be had in this Court, we conceive they will universally approve the measure. The judges of probate, and those other officers, whose presence is always necessary in their respective counties, are also excluded.

We have attended to the inconveniencies suggested to have arisen from having but one judge of probate in each county; but the erecting and altering courts of justice being a mere matter of legislation, we have left it with your future legislature to make such alterations as the circumstances of the several counties may require.

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Your

Your delegates did not conceive themselves to be vested with power to set up one denomination of Christians above another; for religion must at all times be a matter between God and individuals; but we have, nevertheless, found ourselves obliged solemnly to provide for the exclusion of those from offices who will not disclaim those principles of spiritual jurisdiction which Roman Catholics in some countries have held, and which are subversive of a free government established by the people. We find it necessary to continue the former laws and modes of proceeding in courts of justice, until a future legislature shall alter them; for, unless this is done, the title to estates will become precarious, law-suits will be multiplied, and universal confusion must take place. And lest the Commonwealth, for want of a due administration of civil justice, should be involved in anarchy, we have proposed to continue the present magistrates and officers until new appointments shall take place.

Thus, we have, with plainness and sincerity, given you the reasons upon which we founded the principal parts of the system laid before you, which appeared to us as most necessary to be explained; and we do most humbly beseech the great Disposer of all events, that we and our posterity may be established in and long enjoy the blessings of a well-ordered and free government.

In the name, and pursuant to a resolution of the Convention.

JAMES BOWDOIN, President.  
Attest.

SAMUEL BARRETT, Secretary.

*A CONSTITUTION or FRAME of GOVERNMENT, agreed upon by the DELEGATES of the People of the State of MASSACHUSETTS-BAY, in Convention, begun and held at Cambridge on the first of September,*

*1779, and continued by adjournments to the second of March, 1780.*

PREAMBLE.

The end of the institution, maintenance and administration of government, is to secure the existence of the body politic; to protect it; and to furnish the individuals who compose it, with the power of enjoying, in safety and tranquility, their natural rights, and the blessings of life: and whenever these great objects are not obtained, the people have a right to alter the government, and to take measures necessary for their safety, prosperity and happiness.

The body politic is formed by a voluntary association of individuals: it is a social compact; by which the whole people covenants with each citizen, and each citizen with the whole people, that all shall be governed by certain laws for the common good. It is the duty of the people, therefore, in framing a Constitution of Government, to provide for an equitable mode of making laws, as well as for an impartial interpretation, and a faithful execution of them; that every man may, at all times, find his security in them.

We, therefore, the people of Massachusetts, acknowledging, with grateful hearts, the goodness of the Great Legislator of the Universe, in affording us, in the course of His providence, an opportunity, deliberately and peaceably, without fraud, violence or surprize, of entering into an original, explicit, and solemn compact with each other; and of forming a new Constitution of Civil Government, for ourselves and posterity; and devoutly imploring His direction in so interesting a design, do agree upon, ordain and establish, the following *Declaration of Rights and Frame of Government*, as the Constitution of the Commonwealth of Massachusetts.

PART

## PART THE FIRST.

## A DECLARATION of the RIGHTS of the Inhabitants of the Commonwealth of Massachusetts.

ART. I. All men are born free and equal, and have certain natural, essential, and unalienable rights; among which may be reckoned the right of enjoying and defending their lives and liberties; that of acquiring, possessing, and protecting property; in fine, that of seeking and obtaining their safety and happiness.

II. It is the right, as well as the duty of all men in society, publicly, and at stated seasons, to worship the SUPREME BEING, the great creator and preserver of the universe. And no subject shall be hurt, molested, or restrained, in his person, liberty, or estate, for worshipping God in the manner and season most agreeable to the dictates of his own conscience; or for his religious profession or sentiments; provided he doth not disturb the public peace, or obstruct others in their religious worship.

III. As the happiness of a people, and the good order and preservation of civil government, essentially depend upon piety, religion and morality; and as these cannot be generally diffused through a community, but by the institution of the public worship of God, and of public instructions in piety, religion and morality: therefore, to promote their happiness, and to secure the good order and preservation of their government, the people of this Commonwealth have a right to invest their Legislature with power to authorize and require, and Legislature shall, from time to time, authorize and require, the several towns, parishes, and other bodies politic, or religious societies, to make suitable provision, at their own expence, for the institution of the public worship of God, and for the support and maintenance of public protestant teachers of piety, religion,

and morality, in all cases where such provision shall not be made voluntarily.

And the people of this Commonwealth have also a right to, and do, invest their Legislature with authority to enjoin upon all the subjects an attendance upon the instructions of the public teachers aforesaid, at stated times and seasons, if there be any on whose instructions they can conscientiously and conveniently attend.

Provided notwithstanding, that the several towns, parishes, precincts, and other bodies politic, or religious societies, shall, at all times, have the exclusive right of electing their public teachers, and of contracting with them for their support and maintenance.

And all monies paid by the subject to the support of public worship, and of the public teachers aforesaid, shall, if he require it, be uniformly applied to the support of the public teacher or teachers of his own religious sect or denomination, provided there be any on whose instructions he attends; otherwise it may be paid towards the support of the teacher or teachers of the parish or precinct in which the said monies are raised.

And every denomination of Christians, demeaning themselves peaceably, and as good subjects of the Commonwealth, shall be equally under the protection of the law: and no subordination of any one sect or denomination to another shall ever be established by law.

IV. The people of this Commonwealth have the sole and exclusive right of governing themselves as a free, sovereign, and independent State; and do, and for ever hereafter shall, exercise and enjoy every power, jurisdiction, and right, which is not, or may not hereafter, be by them expressly delegated to the United States of America, in Congress assembled.

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V. All

V. All power residing originally in the people, and being derived from them, the several magistrates and officers of government, vested with authority, whether legislative, executive, or judicial, are their substitutes and agents, and are at all times accountable to them.

VI. No man, nor corporation, or association of men, have any other title to obtain advantages, or particular and exclusive privileges, distinct from those of the community, than what arises from the consideration of services rendered to the public; and this title being in nature neither hereditary, nor transmissible to children, or descendants, or relations by blood, the idea of a man born a magistrate, lawgiver or judge, is absurd and unnatural.

VII. Government is instituted for the common good; for the protection, safety, prosperity and happiness of the people; and not for the profit, honour, or private interest of any one man, family, or class of men: therefore the people alone have an incontestible, unalienable, and indefeasible right to institute government; and to reform, alter, or totally change the same, when their protection, safety, prosperity and happiness require it.

VIII. In order to prevent those, who are vested with authority, from becoming oppressors, the people have a right, at such periods and in such manner as they shall establish by their frame of government, to cause their public officers to return to private life; and to fill up vacant places by certain and regular elections and appointments.

IX. All elections ought to be free; and all the inhabitants of this Commonwealth, having such qualifications as they shall establish by their frame of government, have an equal right to elect officers, and to be elected, for public employments.

X. Each individual of the society has a right to be protected by it in

the enjoyment of his life, liberty and property, according to standing laws. He is obliged, consequently, to contribute his share to the expence of this protection; to give his personal service, or an equivalent, when necessary: but no part of the property of any individual, can, with justice, be taken from him, or applied to public uses, without his own consent, or that of the representative body of the people: in fine, the people of this Commonwealth are not controulable by any other laws, than those to which their constitutional representative body have given their consent. And whenever the public exigencies require, that the property of any individual should be appropriated to public uses, he shall receive a reasonable compensation therefor.

XI. Every subject of the Commonwealth ought to find a certain remedy, by having recourse to the laws, for all injuries or wrongs which he may receive in his person, property, or character. He ought to obtain right and justice freely, and without being obliged to purchase it; compleatly, and without any denial; promptly, and without delay; conformably to the laws.

XII. No subject shall be held to answer for any crime or offence, until the same is fully and plainly, substantially and formally, described to him; or be compelled to accuse, or furnish evidence against himself. And every subject shall have a right to produce all proofs that may be favourable to him; to meet the witnesses against him face to face, and to be fully heard in his defence by himself, or his council, at his election. And no subject shall be arrested, imprisoned, despoiled, or deprived of his property, immunities, or privileges, put out of the protection of the law, exiled, or deprived of his life, liberty, or estate, but by the judgment of his peers, or the law of the land.

And

And the Legislature shall not make any law, that shall subject any person to a capital or infamous punishment, excepting for the government of the army and navy, without trial by jury.

XIII. In criminal prosecutions, the verification of facts in the vicinity where they happen, is one of the greatest securities of the life, liberty, and property of the citizen.

XIV. Every subject has a right to be secure from all unreasonable searches, and seizures of his person, his houses, his papers, and all his possessions. All warrants, therefore, are contrary to this right, if the cause or foundation of them be not previously supported by oath or affirmation; and if the order in the warrant to a civil officer, to make search in suspected places, or to arrest one or more suspected persons, or to seize their property, be not accompanied with a special designation of the persons or objects of search, arrest, or seizure; and no warrant ought to be issued but in cases, and with the formalities prescribed by the laws.

XV. In all controversies concerning property, and in all suits between two or more persons, except in cases in which it has heretofore been otherwise used and practised, the parties have a right to a trial by a jury; and this method of procedure shall be held sacred, unless in causes arising on the high seas, and such as relate to mariners wages, the Legislature shall hereafter find it necessary to alter it.

XVI. The liberty of the press is essential to the security of freedom in a State; it ought not, therefore, to be restrained in this Commonwealth.

XVII. The people have a right to keep and to bear arms for the common defence. And as in time of peace armies are dangerous to liberty, they ought not to be main-

tained without the consent of the Legislature; and the military power shall always be held in an exact subordination to the civil authority, and be governed by it.

XVIII. A frequent recurrence to the fundamental principles of the Constitution, and a constant adherence to those of piety, justice, moderation, temperance, industry, and frugality, are absolutely necessary to preserve the advantages of liberty, and to maintain a free government: the people ought, consequently, to have a particular attention to all those principles, in the choice of their officers and representatives: and they have a right to require of their law-givers and magistrates, an exact and constant observance of them, in the formation and execution of the laws necessary for the good administration of the Commonwealth.

XIX. The people have a right, in an orderly and peaceable manner, to assemble and to consult upon the common good; give instructions to their representatives; and to request of the legislative body, by the way of addresses, petitions, or remonstrances, redress of the wrongs done them, and of the grievances they suffer.

XX. The power of suspending the laws, or the execution of the laws, ought never to be exercised but by the Legislature, or by authority derived from it, to be exercised in such particular cases only as the Legislature shall expressly provide for.

XXI. The freedom of deliberation, speech and debate, in either House of the Legislature, is so essential to the rights of the people, that it cannot be the foundation of any accusation or prosecution, action or complaint, in any other court or place whatsoever.

XXII. The Legislature ought frequently to assemble for the redress of grievances, for correcting, strengthening

ening, and confirming the laws, and for making new laws, as the common good may require.

XXIII. No subsidy, charge, tax, impost, or duties, ought to be established, fixed, laid, or levied, under any pretext whatsoever, without the consent of the people, or their representatives in the Legislature.

XXIV. Laws made to punish for actions done before the existence of such laws, and which have not been declared crimes by preceding laws, are unjust, oppressive, and inconsistent with the fundamental principles of a free government.

XXV. No subject ought, in any case, or in any time, to be declared guilty of treason or felony by the Legislature.

XXVI. No magistrate or court of law, shall demand excessive bail or sureties, impose excessive fines, or inflict cruel or unusual punishments.

XXVII. In time of peace, no soldier ought to be quartered in any house without the consent of the owner; and in time of war, such quarters ought not to be made but by the civil magistrate, in a manner ordained by the Legislature.

XXVIII. No person can in any case be subject to law-martial, or to any penalties or pains, by virtue of that law, except those employed in the army or navy, and except the militia in actual service, but by authority of the Legislature.

XXIX. It is essential to the preservation of the rights of every individual, his life, liberty, property, and character, that there be an impartial interpretation of the laws, and administration of justice. It is the right of every citizen to be tried by judges as free, impartial and independent as the lot of humanity will admit. It is therefore not only the best policy, but for the security of the rights of the people, and of every citizen, that the judges of the supreme judicial court should hold

their offices as long as they behave themselves well; and that they should have honourable salaries ascertained and established by standing laws.

XXX. In the government of this Commonwealth, the legislative department shall never exercise the executive and judicial powers, or either of them: the executive shall never exercise the legislative and judicial powers, or either of them: the judicial shall never exercise the legislative and executive powers, or either of them: to the end it may be a government of laws and not of men.

## PART THE SECOND.

### *The Frame of Government.*

The people inhabiting the territory formerly called the Province of Massachusetts-Bay, do hereby solemnly and mutually agree with each other, to form themselves into a free, sovereign, and independent body politic or State, by the name of THE COMMONWEALTH OF MASSACHUSETTS.

## CHAPTER I.

### *The Legislative Power.*

#### SECTION I.

#### *The General Court.*

ART. I. The department of the legislation shall be formed by two branches, a *Senate* and *House of Representatives*: each of which shall have a negative on the other.

The legislative body shall assemble every year on the last Wednesday in May, and at such other times as they shall judge necessary; and shall dissolve and be dissolved on the day next preceding the said last Wednesday in May; and shall be styled, THE GENERAL COURT OF MASSACHUSETTS.

II. No bill or resolve of the Senate or House of Representatives shall become a law, and have force as such, until it shall have been laid before the Governor for his revivisal: and if he, upon such revision, approve thereof.



thereof, he shall signify his approbation by signing the same. But if he have any objection to the passing of such bill or resolve, he shall return the same, together with his objections thereto, in writing, to the Senate or House of Representatives, in which soever the same shall have originated; who shall enter the objections sent down by the Governor, at large, on their records, and proceed to reconsider the said bill or resolve: but if after such reconsideration, two thirds of the said Senate or House of Representatives, shall, notwithstanding the said objections, agree to pass the same, it shall, together with the objections, be sent to the other branch of the Legislature, where it shall also be reconsidered, and if approved by two thirds of the members present, it shall have the force of a law: but in all such cases, the votes of both Houses shall be determined by yeas and nays; and the names of the persons voting for, or against, the said bill or resolve, shall be entered upon the public records of the Commonwealth.

And in order to prevent unnecessary delays, if any bill or resolve shall not be returned by the Governor within five days after it shall have been presented, the same shall have the force of a law.

III. The General Court shall for ever have full power and authority to erect and constitute judicatories and courts of record, or other courts, to be held in the name of the Commonwealth, for hearing, trying, and determining of all manner of crimes, offences, pleas, processes, complaints, actions, matters, causes and things, whatsoever, arising or happening within the Commonwealth, or between or concerning persons inhabiting, or residing, or brought within the same; whether the same be criminal or civil, or whether the said crimes be capital or not capital, and whether the said pleas be real, per-

sonal, or mixt; and for the awarding and making out of execution thereupon: to which courts and judicatories are hereby given and granted full power and authority, from time to time, to administer oaths or affirmations, for the better discovery of truth in any matter in controversy or depending before them.

IV. And further, full power and authority are hereby given and granted to the said General Court, from time to time, to make, ordain, and establish, all manner of wholesome and reasonable orders, laws, statutes, and ordinances, directions and instructions, either with penalties or without; so as the same be not repugnant or contrary to this Constitution, as they shall judge to be for the good and welfare of this Commonwealth, and for the government and ordering thereof, and of the subjects of the same, and for the necessary support and defence of the government thereof; and to name and settle annually, or provide by fixed laws, for the naming and settling all civil officers within the said Commonwealth; the election and constitution of whom are not hereafter in this Form of Government otherwise provided for; and to set forth the several duties, powers and limits, of the several civil and military officers of this Commonwealth, and the forms of such oaths or affirmations as shall be respectively administered unto them for the execution of their several offices and places, so as the same be not repugnant or contrary to this Constitution; and to impose and levy proportional and reasonable assessments, rates, and taxes, upon all the inhabitants of, and persons resident, and estates lying, within the said Commonwealth; and also to impose, and levy, reasonable duties and excises, upon any produce, goods, wares, merchandize, and commodities whatsoever, brought into, produced, manufactured, or being within

in the same; to be issued and disposed of by warrant, under the hand of the Governor of this Commonwealth for the time being, with the advice and consent of the Council, for the public service, in the necessary defence and support of the government of the said Commonwealth; and the protection and preservation of the subjects thereof, according to such acts as are or shall be in force within the same.

And while the public charges of government, or any part thereof, shall be assessed on polls and estates, in the manner that has hitherto been practised; in order that such assessments may be made with equality, there shall be a valuation of estates within the Commonwealth taken anew once in every ten years at the least, and as much oftener as the General Court shall order.

#### CHAP. I. SECT. II.

##### *Senatt.*

Art. I. There shall be annually elected by the freeholders and other inhabitants of this Commonwealth, qualified as in this Constitution is provided, forty persons to be Counsellors and Senators for the year ensuing their election; to be chosen by the inhabitants of the districts, into which the Commonwealth may from time to time be divided by the General Court for that purpose: and the General Court, in assigning the numbers to be elected by the respective districts, shall govern themselves by the proportion of the public taxes paid by the said districts; and timely make known to the inhabitants of the Commonwealth, the limits of each district, and the number of Counsellors and Senators to be chosen therein; provided that the number of such districts shall be never less than thirteen; and that no district be so large as to entitle the same to choose more than six Senators.

And the several counties in this

Commonwealth shall, until the General Court shall determine it necessary to alter the said districts, be districts for the choice of Counsellors and Senators, (except that the counties of Duke's county and Nantucket shall form one district for that purpose) and shall elect the following number for Counsellors and Senators, viz.

|                             |       |       |
|-----------------------------|-------|-------|
| Suffolk                     | _____ | six   |
| Essex                       | _____ | six   |
| Middlesex                   | _____ | five  |
| Hampshire                   | _____ | four  |
| Plymouth                    | _____ | three |
| Barnstable                  | _____ | one   |
| Bristol                     | _____ | three |
| York                        | _____ | two   |
| Duke's county and Nantucket | _____ | one   |
| Worcester                   | _____ | five  |
| Cumberland                  | _____ | one   |
| Lincoln                     | _____ | one   |
| Berkshire                   | _____ | two   |

II. The Senate shall be the first branch of the Legislature; and the Senators shall be chosen in the following manner, viz. there shall be a meeting in the first Monday in April annually, for ever, of the inhabitants of each town in the several counties of this Commonwealth; to be called by the Selectmen, and warned in due course of law, at least seven days before the first Monday in April, for the purpose of electing persons to be Senators and Counsellors: and at such meetings every male inhabitant of twenty-one years of age and upwards, having a freehold estate within the Commonwealth, of the annual income of three pounds, or any estate of the value of sixty pounds, shall have a right to give in his vote for the Senators for the district of which he is an inhabitant. And to remove all doubts concerning the meaning of the word "inhabitant," in this Constitution, every person shall be considered as an inhabitant, for the purpose of electing and being elected into any office, or place within this State,

in that town, district or plantation, where he dwelleth, or hath his home.

The Selectmen of the several towns shall preside at such meetings impartially; and shall receive the votes of all the inhabitants of such towns present and qualified to vote for Senators, and shall sort and count them in open town-meeting, and in presence of the Town-clerk, who shall make a fair record, in presence of the Selectmen, and in open town-meeting, of the name of every person voted for, and of the number of votes against his name; and a fair copy of this record shall be attested by the Selectmen and Town-clerk, and shall be sealed up, directed to the Secretary of the Commonwealth for the time being, with a superscription, expressing the purport of the contents thereof, and delivered by the Town-clerk of such towns, to the Sheriff of the county in which such town lies, thirty days at least before the last Wednesday in May annually; or it shall be delivered into the Secretary's office seventeen days at least before the said last Wednesday in May; and the Sheriff of each county shall deliver all such certificates by him received into the Secretary's office seventeen days before the said last Wednesday in May.

And the inhabitants of plantations unincorporated, qualified as this Constitution provides, who are or shall be empowered and required to assess taxes upon themselves toward the support of government, shall have the same privilege of voting for Counsellors and Senators in the plantations where they reside, as town inhabitants have in their respective towns; and the plantation-meetings for that purpose shall be held annually on the same first Monday in April, at such place in the plantations respectively, as the Assessors thereof shall direct; which Assessors shall have like authority for notifying the electors, collecting and returning the

votes, as the Selectmen and Town-clerks have in their several towns, by this Constitution. And all other persons living in places unincorporated (qualified as aforesaid) who shall be assessed to the support of government by the Assessors of an adjacent town, shall have the privilege of giving in their votes for Counsellors and Senators, in the town where they shall be assessed, and be notified of the place of meeting by the Selectmen of the town where they shall be assessed, for that purpose accordingly.

III. And that there may be a due convention of Senators on the last Wednesday in May annually, the Governor, with five of the Council, for the time being, shall, as soon as may be, examine the returned copies of such records; and fourteen days before the said day, he shall issue his summons to such persons as shall appear to be chosen by a majority of voters, to attend on that day, and take their seats accordingly; provided nevertheless, that for the first year the said returned copies shall be examined by the President and five of the Council of the former Constitution of Government; and the said President shall, in like manner, issue his summons to the persons so elected, that they may take their seats as aforesaid.

IV. The Senate shall be the final judge of the elections, returns and qualifications of their own members, as pointed out in the Constitution; and shall, on the said last Wednesday in May annually, determine and declare who are elected by each district, to be Senators by a majority of votes: and in case there shall not appear to be the full number of Senators returned elected by a majority of votes for any district, the deficiency shall be supplied in the following manner, viz. the members of the House of Representatives, and such Senators as shall be declared elected, shall

shall take the names of such persons as shall be found to have the highest number of votes in such district, and not elected, amounting to twice the number of Senators wanting, if there be so many voted for; and out of these, shall elect by ballot a number of Senators sufficient to fill up the vacancies in such district; and in this manner all such vacancies shall be filled up in every district of the Commonwealth; and in like manner all vacancies in the Senate, arising by death, removal out of the State, or otherwise, shall be supplied as soon as may be, after such vacancies shall happen.

V. Provided nevertheless, that no person shall be capable of being elected as a Senator, who is not seized in his own right of a freehold within this Commonwealth, of the value of three hundred pounds at least, or possessed of personal estate to the value of six hundred pounds at least, or of both to the amount of the same sum, and who has not been an inhabitant of this Commonwealth for the space of five years immediately preceding his election, and at the time of his election, he shall be an inhabitant in the district, for which he shall be chosen.

VI. The Senate shall have power to adjourn themselves, provided such adjournments do not exceed two days at a time.

VII. The Senate shall choose its own President, appoint its own officers, and determine its own rules of proceedings.

VIII. The Senate shall be a court, with full authority to hear and determine all impeachments made by the House of Representatives, against any officer or officers of the Commonwealth, for misconduct and mal-administration in their offices. But previous to the trial of every impeachment, the members of the Senate shall respectively be sworn, truly and impartially to try and determine

the charge in question, according to evidence. Their judgment, however, shall not extend further than to removal from office, and disqualification to hold or enjoy any place of honour, trust, or profit, under this Commonwealth: but the party so convicted, shall be, nevertheless, liable to indictment, trial, judgment, and punishment, according to the laws of the land.

IX. Not less than sixteen members of the Senate shall constitute a quorum for doing business.

#### CHAP. I. SECT. III.

##### *House of Representatives.*

Art. I. There shall be in the Legislature of this Commonwealth, a representation of the people, annually elected, and founded upon the principle of equality.

II. And in order to provide for a representation of the citizens of this Commonwealth, founded upon the principle of equality, every corporate town containing one hundred and fifty, rateable polls, may elect one representative: every corporate town, containing three hundred and seventy-five rateable polls, may elect two representatives: every corporate town, containing six hundred rateable polls, may elect three representatives; and proceeding in that manner, making two hundred and twenty-five rateable polls the mean increasing number for every additional representative.

Provided nevertheless, that each town now incorporated, not having one hundred and fifty rateable polls, may elect one representative; but no place shall hereafter be incorporated with the privilege of electing a representative, unless there are within the same one hundred and fifty rateable polls.

And the House of Representatives shall have power from time to time to impose fines upon such towns as shall neglect to choose and return members

members to the same, agreeably to this Constitution.

The expences of travelling to the General Assembly, and returning home, once in every session, and no more, shall be paid by the government, out of the public treasury, to every member who shall attend as seasonably as he can, in the judgment of the House, and does not depart without leave.

III. Every member of the House of Representatives shall be chosen by written votes; and for one year at least next preceding his election, shall have been an inhabitant of, and have been seized in his own right of a freehold of the value of one hundred pounds within the town he shall be chosen to represent, or any rateable estate to the value of two hundred pounds; and he shall cease to represent the said town immediately on his ceasing to be qualified as aforesaid.

IV. Every male person, being twenty-one years of age, and resident in any particular town in this Commonwealth for the space of one year next preceding, having a freehold estate within the same town, of the annual income of three pounds, or any estate of the value of sixty pounds, shall have a right to vote in the choice of a representative or representatives for the said town.

V. The members of the House of Representatives shall be chosen annually, in the month of May, ten days at least before the last Wednesday of that month.

VI. The House of Representatives shall be the Grand Inquest of this Commonwealth; and all impeachments made by them, shall be heard and tried by the Senate.

VII. All money-bills shall originate in the House of Representatives; but the Senate may propose or concur with amendments, as on other bills.

VIII. The House of Representatives shall have power to adjourn themselves; provided such adjourn-

ment shall not exceed two days at a time.

IX. Not less than sixty members of the House of Representatives, shall constitute a quorum for doing business.

X. The House of Representatives shall be the judge of the returns, elections, and qualifications of its own members, as pointed out in the Constitution; shall chuse their own Speaker; appoint their own officers, and settle the rules and orders of proceeding in their own house: they shall have authority to punish by imprisonment, every person, not a member, who shall be guilty of disrespect to the House, by any disorderly, or contemptuous behaviour in its presence; or who, in the town where the General Court is sitting, and during the time of its sitting, shall threaten harm to the body or estate of any of its members, for any thing said or done in the House; or who shall assault any of them therefor; or who shall assault, or arrest, any witness, or other person, ordered to attend the House, in his way in going, or returning; or who shall rescue any person arrested by the order of the House.

And no member of the House of Representatives shall be arrested, or held to bail on mean process, during his going unto, returning from, or his attending the general Assembly.

XI. The Senate shall have the same powers in the like cases; and the Governor and Council shall have the same authority to punish in like cases. Provided that no imprisonment on the warrant or order of the Governor, Council, Senate, or House of Representatives, for either of the above-described offences, be for a term exceeding thirty days.

And the Senate and House of Representatives may try, and determine, all cases where their rights and privileges are concerned, and which, by the Constitution, they have an-

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authority.

thority to try and determine, by Committees of their own Members, or in such other way as they may respectively think best.

## CHAPTER II.

### *Executive Power.*

#### SECTION I.

##### *Governor.*

Art. I. There shall be a supreme executive Magistrate, who shall be stiled, **THE GOVERNOR OF THE COMMONWEALTH OF MASSACHUSETTS**; and whose title shall be—**HIS EXCELLENCY**.

II. The Governor shall be chosen annually; and no person shall be eligible to this office, unless at the time of his election, he shall have been an inhabitant of this Commonwealth for seven years next preceding; and unless he shall, at the same time be seized in his own right, of a freehold within the Commonwealth, of the value of one thousand pounds; and unless he shall declare himself to be of the Christian religion.

III. Those persons who shall be qualified to vote for Senators and Representatives within the several towns of this Commonwealth, shall, at a meeting to be called for that purpose, on the first Monday of April annually, give in their votes for a Governor, to the Selectmen, who shall preside at such meetings; and the Town-clerk, in the presence and with the assistance of the Selectmen, shall, in open town-meeting, sort and count the votes, and form a list of the persons voted for, with the number of votes for each person against his name; and shall make a fair record of the same in the town books, and a public declaration thereof in the said meeting; and shall, in the presence of the inhabitants, sell up copies of the said list, attested by him and the Selectmen, and transmit the same to the Sheriff of the county, thirty days at least before the last Wednesday in May; and the Sheriff shall transmit the

same to the Secretary's office seventeen days at least before the said last Wednesday in May; or the Selectmen may cause returns of the same to be made to the office of the Secretary of the Commonwealth seventeen days at least before the said day; and the Secretary shall lay the same before the Senate and the House of Representatives, on the last Wednesday in May, to be by them examined: and in case of an election by a majority of all the votes returned, the choice shall be by them declared and published: but if no person shall have a majority of votes, the House of Representatives shall, by ballot, elect two out of four persons who had the highest numbers of votes, if so many shall have been voted for; but, if otherwise, out of the number voted for; and make return to the Senate of the two persons so elected; on which, the Senate shall proceed, by ballot, to elect one, who shall be declared Governor.

IV. The Governor shall have authority, from time to time, at his discretion, to assemble and call together the Counsellors of this Commonwealth for the time being; and the Governor, with the said Counsellors, or five of them at least, shall, and may, from time to time, hold and keep a Council, for the ordering and directing the affairs of the Commonwealth, agreeably to the Constitution and the laws of the land.

V. The Governor, with advice of Council, shall have full power and authority, during the session of the General Court, to adjourn or prorogue the same to any time the two Houses shall desire; and to dissolve the same on the day next preceding the last Wednesday in May; and, in the recesses of the said Court, to prorogue the same from time to time, not exceeding ninety days in any one recess; and to call it together sooner than the time to which it may be adjourned or prorogued, if the welfare of the Commonwealth shall

shall require the same: and in case of any infectious distemper prevailing in the place where the said Court is next at any time to convene, or any other cause happening, whereby danger may arise to the health or lives of the Members from their attendance, he may direct the Session to be held at some other the most convenient place within the State.

And the Governor shall dissolve the said General Court on the day next preceding the last Wednesday in May.

VI. In cases of disagreement between the two Houses, with regard to the necessity, expediency, or time of adjournment, or prorogation, the Governor, with advice of the Council, shall have a right to adjourn or prorogue the General Court, not exceeding ninety days, as he shall determine the public good shall require.

VII. The Governor of this Commonwealth for the time being, shall be the Commander in Chief of the army and navy, and of all the military forces of the State, by sea and land; and shall have full power by himself, or by any Commander, or other officer or officers, from time to time, to train, instruct, exercise and govern the militia and navy; and, for the special defence and safety of the Commonwealth, to assemble in martial array, and put in warlike posture, the inhabitants thereof, and to lead and conduct them, and with them, to encounter, repel, resist, expel and pursue, by force of arms, as well by sea as by land, within or without the limits of this Commonwealth, and also to kill, slay, and destroy, if necessary, and conquer, by all fitting ways, enterprizes, and means whatsoever, all and every such person and persons as shall, at any time hereafter, in a hostile manner attempt or enterprize the destruction, invasion, detriment, or annoyance of this Commonwealth; and to use and exercise, over the

army and navy, and over the militia in actual service, the law-martial, in time of war or invasion, and also in time of rebellion, declared by the legislature to exist, as occasion shall necessarily require; and to take and surprize by all ways and means whatsoever, all and every such person or persons, with their ships, arms, ammunition, and other goods, as shall, in a hostile manner, invade, or attempt the invading, conquering, or annoying this Commonwealth; and that the Governor be intrusted with all these and other powers, incident to the offices of Captain-general and Commander in Chief, and Admiral, to be exercised agreeably to the rules and regulations of the Constitution, and the laws of the land, and not otherwise.

Provided, that the said Governor shall not, at any time hereafter, by virtue of any power by this Constitution granted, or hereafter to be granted to him by the Legislature, transport any of the inhabitants of this Commonwealth, or oblige them to march out of the limits of the same, without their free and voluntary consent, or the consent of the General Court; except so far as may be necessary to march or transport them by land or water, for the defence of such part of the State, to which they cannot otherwise conveniently have access.

VIII. The power of pardoning offences, except such as persons may be convicted of before the Senate by an impeachment of the House, shall be in the Governor, by and with the advice of Council: but no charter of pardon, granted by the Governor, with advice of the Council, before conviction, shall avail the party pleading the same, notwithstanding any general or particular expressions contained therein, descriptive of the offence, or offences, intended to be pardoned.

IX. All judicial officers, the Attorney-general, all Sheriffs, Coroners,

ers, and Registers of Probate, shall be nominated and appointed by the Governor, by and with the advice and consent of the Council; and every such nomination shall be made by the Governor, and made at least seven days prior to such appointment.

X. The Captains and subalterns of the militia, shall be elected by the written votes of the train-band and alarm list of their respective companies, of twenty-one years of age and upwards: the field-officers of regiments, shall be elected by the written votes of the Captains and subalterns of their respective regiments: the Brigadiers shall be elected in like manner, by the field-officers of their respective brigades: and such officers, so elected, shall be commissioned by the Governor, who shall determine their rank.

The Legislature shall, by standing laws, direct the time and manner of convening the electors, and of collecting votes, and of certifying to the Governor the officers elected.

The Major-generals shall be appointed by the Senate and House of Representatives, each having a negative upon the other; and be commissioned by the Governor.

And if the electors of Brigadiers, field-officers, Captains or subalterns, shall neglect or refuse to make such elections, after being duly notified, according to the laws for the time being, then the Governor, with advice of Council, shall appoint suitable persons to fill such offices.

And no officer, duly commissioned to command in the militia, shall be removed from his office, but by the address of both Houses to the Governor, or by fair trial in Court-martial, pursuant to the laws of the Commonwealth for the time being.

The commanding officers of regiments shall appoint their Adjutants and Quarter-masters; the Brigadiers their Brigade-majors; and the Ma-

jor-generals their Aids; and the Governor shall appoint the Adjutant-general.

The Governor, with advice of Council, shall appoint all officers of the continental army, whom by the confederation of the United States it is provided that this Commonwealth shall appoint,—as also all officers of forts and garrisons.

The divisions of the militia into brigades, regiments, and companies, made in pursuance of the militia laws now in force, shall be considered as the proper divisions of the militia of this Commonwealth, until the same shall be altered in pursuance of some future law.

XI. No monies shall be issued out of the Treasury of this Commonwealth, and disposed of (except such sums as may be appropriated for the redemption of bills of credit or Treasurer's notes, or for the payment of interest arising thereon) but by warrant under the hand of the Governor for the time being, with the advice and consent of the Council, for the necessary defence and support of the Commonwealth; and for the protection and preservation of the inhabitants thereof, agreeably to the acts and resolves of the General Court.

XII. All public boards, the Commissary-general, all superintending officers of public magazines and stores, belonging to this Commonwealth, and all commanding officers of forts and garrisons within the same, shall once in every three months officially and without requisition, and at other times, when required by the Governor, deliver to him an account of all goods, stores, provisions, ammunition, cannon with their appendages, and small arms with their accoutrements, and of all other public property whatever under their care respectively; distinguishing the quantity, number, quality and kind of each, as particularly as may be; together with the condition



dition of such forts and garrisons : and the said commanding officer shall exhibit to the Governor, when required by him, true and exact plans of such forts, and of the land and sea or harbour or harbours adjacent.

And the said boards and all public officers, shall communicate to the Governor, as soon as may be after receiving the same, all letters, dispatches, and intelligences of a public nature, which shall be directed to them respectively.

XII. As the public good requires that the Governor should not be under the undue influence of any of the Members of the General Court, by a dependence on them for his support—that he should in all cases, act with freedom for the benefit of the public—that he should not have his attention necessarily diverted from that object to his private concerns—and that he should maintain the dignity of the Commonwealth in the character of its Chief Magistrate—it is necessary that he should have an honourable stated salary, of a fixed and permanent value, amply sufficient for those purposes, and established by standing laws : and it shall be among the first acts of the General Court, after the commencement of this Constitution, to establish such salary by law accordingly.

Permanent and honourable salaries shall also be established by law for the Justices of the supreme judicial Court.

And if it shall be found, that any of the salaries aforesaid, so established, are insufficient, they shall, from time to time, be enlarged, as the General Court shall judge proper.

## CHAPTER II.

### SECTION II.

#### *Lieutenant-Governor.*

ART. I. There shall be annually elected a Lieutenant-governor of the Commonwealth of Massachusetts,

whose title shall be His Honor— and who shall be qualified, in point of religion, property, and residence in the Commonwealth, in the same manner with the Governor : and the day and manner of his election, and the qualifications of the electors, shall be the same as are required in the election of a Governor. The return of the votes for this officer, and the declaration of his election, shall be in the same manner : and if no one person shall be found to have a majority of all the votes returned, the vacancy shall be filled by the Senate and House of Representatives, in the same manner as the Governor is to be elected, in case no one person shall have a majority of the votes of the people to be Governor.

II. The Governor, and in his absence the Lieutenant-governor, shall be President of the Council, but shall have no vote in Council : and the Lieutenant-governor shall always be a member of the Council, except when the chair of the Governor shall be vacant.

III. Whenever the chair of the Governor shall be vacant, by reason of death, or absence from the Commonwealth, or otherwise, the Lieutenant-governor, for the time being, shall, during such vacancy, perform all the duties incumbent upon the Governor, and shall have and exercise all the powers and authorities, which by this Constitution the Governor is vested with, when personally present.

## CHAPTER II.

### SECTION III.

#### *Council, and the Manner of settling Elections by the Legislature.*

ART. I. There shall be a Council for advising the Governor in the executive part of government, to consist of nine persons besides the Lieutenant-governor, whom the Governor, for the time being, shall have full power and authority, from time

time to time, at his discretion, to assemble and call together. And the Governor, with the said Counsellors, or five of them at least, shall and may, from time to time, hold and keep a Council, for the ordering and directing the affairs of the Commonwealth, according to the laws of the land.

II. Nine Counsellors shall be annually chosen from among the persons returned for Counsellors and Senators, on the last Wednesday in May, by the joint ballot of the Senators and Representatives assembled in one room: and in case there shall not be found upon the first choice, the whole number of nine persons who will accept a seat in the Council, the deficiency shall be made up by the electors aforesaid, from among the people at large; and the number of Senators left shall constitute the Senate for the year. The seats of the persons thus elected from the Senate, and accepting the trust, shall be vacated in the Senate.

III. The Counsellors, in the civil arrangement of the Commonwealth, shall have rank next after the Lieutenant-governor.

IV. Not more than two Counsellors shall be chosen out of any one district of this Commonwealth.

V. The resolutions and advice of the Counsel shall be recorded in a register, and signed by the members present; and this record may be called for at any time by either House of the Legislature; and any member of the Council may insert his opinion contrary to the resolution of the majority.

VI. Whenever the office of the Governor and Lieutenant-governor shall be vacant, by reason of death, absence, or otherwise, then the Council or the major part of them, shall, during such vacancy, have full power and authority, to do, and execute, all and every such acts, matters and things, as the Governor or the Lieutenant-governor might or

could, by virtue of this Constitution, do or execute, if they, or either of them, were personally present.

VII. And whereas the elections appointed to be made by this Constitution, on the last Wednesday in May annually, by the two Houses of the Legislature, may not be completed on that day, the said elections may be adjourned from day to day, until the same shall be completed. And the order of elections shall be as follows: the vacancies in the Senate, if any, shall first be filled up; the Governor, and Lieutenant-governor, shall then be elected, provided there should be no choice of them by the people: and afterwards the two Houses shall proceed to the election of the Council.

## CHAPTER II.

### SECTION IV.

*Secretary, Treasurer, Commissary, &c.*

ART. I. The Secretary, Treasurer, and Receiver-general, and the Commissary-general, Notaries Public, and Naval-officers, shall be chosen annually, by joint ballot of the Senators and Representatives in one room. And that the citizens of this Commonwealth may be assured, from time to time, that the monies remaining in the Public Treasury, upon the settlement and liquidation of the public accounts, are their property, no man shall be eligible as Treasurer and Receiver-General, more than five years successively.

II. The records of the Commonwealth shall be kept in the office of the Secretary, who may appoint his Deputies, for whose conduct he shall be accountable, and he shall attend the Governor and Council, the Senate and House of Representative, in person, or by his deputies, as they shall respectively require.

## CHAPTER III.

### *Judiciary Power.*

ART. I. The tenure that all Commissioned officers shall by law have in their

their offices, shall be expressed in their respective commissions. All judicial officers, duly appointed, commissioned and sworn, shall hold their offices during good behaviour, excepting such concerning whom there is different provision made in this Constitution: provided nevertheless, the Governor, with consent of the Council, may remove them upon the address of both Houses of the Legislature.

II. Each branch of the Legislature, as well as the Governor and Council, shall have authority to require the opinions of the Justices of the supreme judicial court, upon important questions of law, and upon solemn occasions.

III. In order that the people may not suffer from the long continuance in place of any Justice of the Peace, who shall fail of discharging the important duties of his office with ability or fidelity, all commissions of Justices of the Peace shall expire and become void, in the term of seven years from their respective dates; and upon the expiration of any commission, the same may, if necessary, be renewed, or another person appointed, as shall most conduce to the well-being of the Commonwealth.

IV. The Judges of Probate of Wills, and for granting letters of administration, shall hold their courts at such place or places, on fixed days, as the convenience of the people shall require. And the Legislature shall, from time to time, hereafter appoint such times and places; until which appointments, the said courts shall be holden at the times and places which the respective Judges shall direct.

V. All causes of marriage, divorce, and alimony, and all appeals from the Judges of Probate, shall be heard and determined by the Governor and Council, until the Legislature shall, by law, make other provision.

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## CHAPTER IV.

### *Delegates to Congress.*

The Delegates to this Commonwealth to the Congress of the United States, shall, some time in the month of June annually, be elected by the joint ballot of the Senate and House of Representatives, assembled together in one room; to serve in Congress for one year, to commence on the first Monday in November then next ensuing. They shall have commissions under the hand of the Governor, and the great seal of the Commonwealth; but may be recalled at any time within the year, and others chosen and commissioned, in the same manner, in their stead.

## CHAPTER V.

### *The University at Cambridge, and Encouragement of Literature, &c.*

#### SECTION I.

##### *The University*

ART. I. Whereas our wise and pious ancestors, so early as the year one thousand six hundred and thirty-six, laid the foundation of Harvard-College, in which university many persons of great eminence have, by the blessing of God, been initiated in those arts and sciences, which qualified them for public employments, both in Church and State; and whereas the encouragement of arts and sciences, and all good literature, tends to the honour of God, the advantage of the Christian religion, and the great benefit of this and the other United States of America,—It is declared, That the PRESIDENT and FELLOWS of HARVARD COLLEGE, in their corporate capacity, and their successors in that capacity, their officers and servants, shall have, hold, use, exercise and enjoy, all the powers, authorities, rights, liberties, privileges, immunities, and franchises, which they now have, hold, use, exercise and enjoy: and the same are hereby ratified and confirmed unto them, the said President

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and

and Fellows of Harvard College, and to their successors, and to their officers and servants, respectively, for ever.

II. And whereas there have been at sundry times, by divers persons, gifts, grants, devises of houses, lands, tenements, goods, chattles, legacies, and conveyances, heretofore made, either to Harvard College in Cambridge, in New-England, or to the President and Fellows of Harvard College, or to the said College, by some other description, under several charters, successively: It is DECLARED, That all the said gifts, grants, devises, legacies and conveyances, are hereby for ever confirmed unto the President and Fellows of Harvard College, and to their successors, in the capacity aforesaid, according to the true intent and meaning of the donor or donors grantor or grantors, deviser or devisors.

III. And whereas by an act of the General Court of the Colony of Massachusetts-Bay, passed in the year one thousand six hundred and forty-two, the Governor and Deputy-governor for the time being, and all the magistrates of that jurisdiction, were, with the President, and a number of the clergy in the said act described, constituted the Overseers of Harvard College: and it being necessary, in this new Constitution of government, to ascertain who shall be deemed successors to the said Governor, Deputy-governor and Magistrates: It is DECLARED, That the Governor, Lieutenant-governor, Council and Senate of this Commonwealth, are, and shall be deemed, their successors; who, with the President of Harvard College, for the time being, together with the ministers of the congregational churches in the towns of Cambridge, Watertown, Charlestown, Boston, Roxbury, and Dorchester, mentioned in the said act, shall be, and hereby are, vested with all the powers

and authority belonging, or in any way appertaining to the Overseers of Harvard College; PROVIDED, that nothing herein shall be contrived to prevent the Legislature of this Commonwealth from making such alterations in the government of the said university, as shall be conducive to its advantage, and the interest of the republic of letters, in as full a manner as might have been done by the Legislature of the late Province of the Massachusetts-Bay.

## CHAPTER V. SECTION II.

### *The Encouragement of Literature, &c.*

Wisdom and knowledge, as well as virtue, diffused generally among the body of the people, being necessary for the preservation of their rights and liberties; and as these depend on spreading the opportunities and advantages of education in the various parts of the country, and among the different orders of the people, it shall be the duty of legislators and magistrates, in all future periods of this Commonwealth, to cherish the interests of literature and the sciences, and all seminaries of them; especially the university at Cambridge, public schools, and grammar schools in the towns; to encourage private societies and public institutions, rewards and immunities, for the promotion of agriculture, arts, sciences, commerce, trades, manufactures, and a natural history of the country; to countenance and inculcate the principles of humanity and general benevolence, public and private charity, industry and frugality, honesty and punctuality in their dealings; sincerity, good humour, and all social affections, and generous sentiments among the people.

## CHAPTER VI. *Oaths and Subscriptions; Incompatibility of and exclusion from Offices; Pecuniary Qualifications; Commissions;*

*fions ; Writs ; Confirmation of Laws ; Habeas Corpus : The Enabling Stile ; Continuance of Officers ; Provision for a future Revival of the Constitution, &c.*

ART. I. Any person chosen Governor, Lieutenant-governor, Counsellor, Senator, or Representative, and accepting the trust, shall, before he proceed to execute the duties of his place or office, make and subscribe the following declaration, viz.—

II. I, A. B. do declare, that I believe the Christian religion, and have a firm persuasion of its truth ; and that I am seized and possessed, in my own right, of the property required by the Constitution as one qualification for the office or place to which I am elected.

And the Governor, Lieutenant-governor, and Counsellors, shall make and subscribe the said declaration, in the presence of the two Houses of Assembly ; and the Senators and Representatives first elected under this Constitution, before the President and five of the Council of the former Constitution, and for ever afterwards before the Governor and Council for the time being.

And every person chosen to either of the places or offices aforesaid, as also any person appointed or commissioned to any judicial, executive, military, or other office under the government, shall, before he enters on the discharge of the business of his place or office, take and subscribe the following declaration, and oaths or affirmations, viz.—

“ I, A. B. do truly and sincerely acknowledge, profess, testify and declare, that the Commonwealth of Massachusetts is, and of right ought to be, a free, sovereign and independent State ; and I do swear, that I will bear true faith and allegiance to the said Commonwealth, and that I will defend the same against traitorous conspiracies and all hostile at-

tempts whatsoever : and that I do renounce and abjure all allegiance, subjection and obedience to the King, Queen, or government of Great-Britain (as the case may be) and every other foreign power whatsoever : and that no foreign Prince, Person, Prelate, State or Potentate, hath, or ought to have, any jurisdiction, superiority, pre-eminence, authority, dispensing or other power, in any matter, civil, ecclesiastical, or spiritual, within this Commonwealth ; except the authority and power which is, or may be vested by their Constituents in the Congress of the United States : and I do further testify and declare, that no man or body of men hath or can have any right to absolve or discharge me from the obligation of this oath, declaration, or affirmation ; and that I do make this acknowledgment, profession, testimony, declaration, denial, renunciation, and abjuration, heartily and truly, according to the common meaning and acceptance of the foregoing words, without any equivocation, mental evasion, or secret reservation whatsoever.

So help me God.”

“ I, A. B. do solemnly swear and affirm, that I will faithfully and impartially discharge and perform all the duties incumbent on me as ; according to the best of my abilities and understanding, agreeably to the rules and regulations of the Constitution, and the laws of this Commonwealth.” “ So help me God.”

PROVIDEN always, that when any person, chosen or appointed as aforesaid, shall be of the denomination or the people called Quakers, and shall decline taking the said oaths, he shall make his affirmation in the foregoing form, and subscribe the same, omitting the words “ *I do swear,*” “ *and abjure,*” “ *oath or,*” “ *and abjuration,*” in the first oath ; and in the second oath, the words *So help me God ;*” substituting instead thereof,

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of, "*This I do under the pains and penalties of perjury.*"

And the said oaths or affirmations shall be taken and subscribed by the Governor, Lieutenant-governor, and Counsellors, before the President of the Senate, in the presence of the two Houses of Assembly; and by the Senators and Representatives first elected under this Constitution, before the President and five of the Council of the former Constitution; and for ever afterwards, before the Governor and Council for the time being: and by the residue of the officers aforesaid, before such persons and in such manner as from time to time shall be prescribed by the Legislature.

II. No Governor, Lieutenant-governor, or Judge of the supreme judicial court, shall hold any other office or place, under the authority of this Commonwealth, except such as by this Constitution they are admitted to hold, saving that the Judges of the said court may hold the offices of Justices of the Peace through the State; nor shall they hold any other place or office, or receive any pension or salary from any other State or Government or Power whatever.

No person shall be capable of holding or exercising at the same time, more than one of the following offices within this State, viz.—Judge of Probate—Sheriff—Register of Probate—or Register of Deeds—and never more than any two offices which are to be held by appointment of the Governor, or the Governor and Council, or the Senate, or the House of Representatives, or by the election of the people of the State at large, or of the people of any county, military offices and the offices of Justices of the Peace excepted, shall be held by one person,

No person holding the office of Judge of the supreme judicial court—Secretary—Attorney-general—

Solicitor-general—Treasurer or Receiver-general—Judge of Probate—Commissary-general—President, Professor, or Instructor of Harvard College—Sheriff—Clerk of the House of Representatives—Register of Probate—Register of Deeds—Clerk of the Supreme Judicial Court—Clerk of the Inferior Court of Common Pleas—or Officer of the Customs, including in this description Naval-officers—shall at the same time have a seat in the Senate or House of Representatives; but their being chosen or appointed to, and accepting the same, shall operate as a resignation of their seat in the Senate or House of Representatives; and the place so vacated shall be filled up.

And the same rule shall take place in case any Judge of the said Supreme Judicial Court, or Judge of Probate, shall accept a seat in Council; or any Counsellor shall accept of either of those offices or places.

And no person shall ever be admitted to hold a seat in the Legislature, or any office of trust or importance under the government of this Commonwealth, who shall, in the due course of law, have been convicted of bribery or corruption in obtaining an election or appointment.

III. In all cases where sums of money are mentioned in this Constitution, the value thereof shall be computed in silver at six shillings and eight pence an ounce: and it shall be in the power of the Legislature, from time to time, to increase such qualifications, as to property, of the persons to be elected to offices, as the circumstances of the Commonwealth shall require.

IV. All commissions shall be in the name of the Commonwealth of Massachusetts, signed by the Governor, and attested by the Secretary or his Deputy, and have the great seal of the Commonwealth affixed thereto.

V. All

V. All writs issuing out of the Clerk's office in any of the Courts of Law, shall be in the name of the Commonwealth of Massachusetts: they shall be under the seal of the Court from whence they issue: they shall bear test of the first justice of the Court to which they shall be returnable, who is not a party, and be signed by the Clerk of such Court.

VI. All the laws which have heretofore been adopted, used, and approved in the Province, Colony, or State of Massachusetts-Bay, and usually practised on in the Courts of Law, shall still remain and be in full force, until altered or repealed by the Legislature; such parts only excepted as are repugnant to the rights and liberties contained in this Constitution.

VII. The privilege and benefit of the writ of *Habeas Corpus* shall be enjoyed in this Commonwealth in the most free, easy, cheap, expeditious, and ample manner; and shall not be suspended by the Legislature, except upon the most urgent and pressing occasions, and for a limited time, not exceeding twelve months.

VIII. The enacting stile, in making and passing all acts, statutes, and laws, shall be—"Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same."

IX. To the end there may be no failure of justice or danger arise to the Commonwealth from a change of the form of Government—all officers, civil and military, holding Commissions under the Government and people of Massachusetts-Bay in New England, and all other officers of the said Government and people, at the time this Constitution shall take effect, shall have, hold, use, exercise, and enjoy all the powers and authority to them granted or committed, until other persons shall be appointed in their stead: and all Courts of Law shall proceed in the

execution of the business of their respective departments; and all the executive and legislative officers, bodies, and powers shall continue in full force, in the enjoyment and exercise of all their trusts, employments, and authority, until the General Court and the supreme and executive officers under this Constitution are designated and invested with their respective trusts, powers, and authority.

X. In order the more effectually to adhere to the principles of the Constitution, and to correct those violations which by any means may be made therein, as well as to form such alterations as from experience shall be found necessary—the General Court which shall be in the year of our Lord one thousand seven hundred and ninety-five, shall issue precepts to the Selectmen of the several towns, and to the assessors of the unincorporated plantations, directing them to convene the qualified voters of their respective towns and plantations for the purpose of collecting their sentiments on the necessity or expediency of revising the Constitution, in order to amendments.

And if it shall appear by the returns made, that two-thirds of the qualified voters throughout the State, who shall assemble and vote in consequence of the said precepts, are in favour of such revision or amendment, the General Court shall issue precepts, or direct them to be issued from the Secretary's office to the several towns to elect Delegates to meet in Convention for the purpose aforesaid.

The said Delegates to be chosen in the same manner and proportion as their Representatives in the second branch of the Legislature are by this Constitution to be chosen.

XI. This form of Government shall be enrolled on parchment, and deposited in the Secretary's office, and

and be a part of the laws of the land—and printed copies thereof shall be prefixed to the book containing the laws of this Commonwealth, in all future editions of the said laws.

JAMES BOWDOIN, President.

Attest.

SAMUEL BARRETT, Secretary.

*In Convention.*

*March 2, 1780.*

Resolved, That this Convention be adjourned to the first Wednesday in June next, to meet at Boston; and that eighteen hundred copies of the Form of Government which shall be agreed upon be printed; and, including such as shall be ordered to each Member of the Convention, be sent to the Selectmen of each town and the Committees of each plantation, under the direction of a Committee to be appointed for the purpose: and that they be requested, as soon as may be, to lay them before the inhabitants of their respective towns and plantations. And if the major part of the inhabitants of the said towns and plantations disapprove of any particular part of the same, that they be desired to state their objections distinctly, and the reasons therefor; and the Selectmen and Committees aforesaid are desired to transmit the same to the Secretary of the Convention on the first Wednesday in June, or if may be, on the last Wednesday in May, in order to his laying the same before a Committee to be appointed for the purpose of examining and arranging them for the revision and consideration of the Convention at the adjournment; with the number of voters in the said town and plantation meetings, on each side of every question; in order that the said Convention, at the adjournment, may collect the general sense of their Constituents on the several parts of the proposed Constitution: and if there doth not appear to be

two-thirds of their constituents in favour thereof, that the Convention may alter it in such a manner as that it may be agreeable to the sentiments of two-thirds of the voters throughout the State.

Resolved, That it be recommended to the inhabitants of the several towns and plantations in this State, to empower their Delegates at the next Session of this Convention, to agree upon a time when this Form of Government shall take place, without returning the same again to the people: provided that two-thirds of the male inhabitants of the age of twenty-one years and upwards, voting in the several town and plantation meetings shall agree to the same, or the Convention shall conform it to the sentiments of two-thirds of the people as aforesaid.

Resolved, That the towns and plantations through this State have a right to choose other Delegates, instead of the present Members, to meet in Convention on the first Wednesday in June next, if they see fit.

A true copy,

Attest. SAMUEL BARRETT, Sec.

*Boston, June 15.* On Friday last the Convention for framing a new constitution of civil Government for this state was dissolved, having completed that important business. The form of government sent out to the people in March last, having met with the approbation of more than two-thirds of the persons voting thereon, was declared to be the constitution of the Commonwealth of Massachusetts; and the last Wednesday in October next assigned for the same to take place and be in force.

Same day arrived here a prize brig, late commanded by Capt. William Deblois, of this town, laden with naval stores, bound from Georgia to Antigua. She was taken by the Mifflin and Washington privateers.

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The enemy have lost at the Nova Scotia shore the winter past, five British sloops of war, viz. the North of 20 guns, the Falcon of 18, the Santelina of 18, the Gage of 12, and a brig of 16, name unknown. The crews of the two first all perished.

*Fish-kill, June 15.* In the night between the 6th and 7th instant, the enemy crossed from Staten Island to Elizabeth-town Point, from whence they proceeded to the town, where they amused themselves a-while with dispersing Jemmy Rivington's new hand-bill, about the surrender of Charles-town, which they sowed plentifully in the streets: having successfully, and without opposition performed this important service, they, on the 7th, advanced four miles to Connecticut Farms, where they, *most heroically*, burned the Presbyterian church, and about thirteen other houses, and murdered the lady of the Rev. Mr. Caldwell: not satisfied with the laurels they might reap from such glorious exploits, they hoped to add to them, could they perform similar feats at Springfield, towards which they bent their course; for the gallant Maxwell, with an handful of continental troops, and a few militia, hastily collected, met them at the bridge near the town, and repulsed them. Intelligence of their excursion having reached Morris-town, that party of our army which was posted there, was ordered to Springfield, and the militia of New-Jersey collected with the alacrity and spirit for which they are justly famous, to chastise the invaders of of their country. Their patriotic efforts were not in vain, for the enemy suffered much from their well directed fire. A heavy rain in the night gave the nefarious "Raccoons" an opportunity of securing themselves, which they did by retreating to Elizabeth-town point, and taking possession of our old entrenchments, where they remained

on Saturday last, when our latest information came from that quarter. It is said the enemy's number at first was 5000, and that they have since increased it to 7000, by reinforcements from New-York and Staten-Island: they were commanded by Generals Knyphausen and Tryon, and Mr. Robertson, the titular Governor of New-York. We cannot ascertain the loss on either side, as both have confined themselves to skirmishing, but am informed the British General Stirling is very badly, if not mortally, wounded; and last Friday evening we were in possession of about 40 prisoners and a number of deserters; among the latter are said to be six Hessian light-horse, well mounted and completely equipped.

It is supposed the enemy's intentions were to destroy Morris-town, and spread desolation through that part of the country; but a kind Providence, and the vigorous exertions of our brave men, have prevented it.

*Philadelphia, June 17.* Since our last have arrived here eleven prizes, viz. eight taken by the Comet, and a brig, schooner, and sloop, retaken from the picaroons that have been some time past cruising in the bay of Delaware and Chesapeake.

The subscription securities to the Philadelphia Bank amounted, yesterday, to upwards of two hundred and seventy thousand pounds, hard money; and so great and general is the degree of public spirit, at this time, that there is no doubt but twice three hundred thousand pounds (the sum proposed) would be subscribed, if wanted.

*Fish-Kill, June 22.* Last Tuesday several British vessels made their appearance in Haverstraw-Bay, and the next day fell down the river again, since which we have heard no more of them.

*Fish-Kill, June 29.* Last week about ninety sail of great and small vessels

vessels appeared in the North River, nearly opposite Colonel Phillips's: from hence it was concluded that Sir Harry intended to attack West Point; in consequence of which the militia in this county was called out, who appeared at their respective places of rendezvous with great alertness. We have since heard that most of the vessels have fallen down the river. 'Tis thought this manœuvre was made in order to facilitate their burning plan in New-Jersey. Tho' they burnt the small town of Springfield, they paid dearly for it, having lost in killed and wounded, by the best accounts we can collect, from five hundred to seven hundred.

*Extract of a letter from Westchester County, June 17.*

"I returned from over the river to-day; it was confidently told me, that Sir Henry Clinton was at East Chester, that most of the British army were moving that way, that an incursion into Connecticut was generally supposed, and that great part of the fleet were ordered up the Sound.

"I was this morning opposite the fleet at Phillips's; it consisted of one sloop of war, armed snow, eleven square rigged transports and twenty small vessels; the other part of a fleet were making the best of their way to New-York. A number of the enemy are at Phillips's; their picquet guard extends two miles, near Abraham Vaneurt's."

*Boston, July 6.* The ever memorable 4th of July, the anniversary of American Independence, was celebrated here with every demonstration of joy suitable to the occasion. A detachment from the militia of this town, under the command of Col. Proctor—the Independent Company commanded by Capt. Gawey Brown and the company of Artillery, commanded by Major Miller, paraded in State-street, where thirteen cannon

were discharged by the Artillery company. A grand feu de joy was also given from the cannon at the castle, and the fortrefs on Forthill, and from the continental ships and other armed vessels in the harbour. The Council of this State, and a large number of respectable gentlemen of all orders, assembled in the Council-chamber, where after mutual congratulations, the following toasts were drank:

The United States of America. His Most Christian Majesty. His Catholic Majesty.—Gen. Washington and the army. Success to the arms of France and the United States.—The speedy and total overthrow of British power in America.—Perpetual union, founded on mutual interest, between France and the United States.—May American Independence be as lasting as time.—A happy establishment of the new form of government in the State of Massachusetts—Energy and vigour to the new government.—Liberty and happiness to all mankind.

The joy upon this glorious anniversary of the birth-day of our nation was universal.

The constitution of government lately established by the inhabitants of this State, has been read and admired, by some of the best judges in other States. It is indeed worth defending, that it may be enjoyed by ourselves, and committed to our descendants

*Extract of a letter from a gentleman in Philadelphia, dated June 16, 1780.*

"The surrender of Charles-town seems to be more than compensated by the noble enthusiasm that has at once taken possession of this city, and as rapidly diffusing itself through all parts of the State. May it still spread, till it creates or meets the same spirit through all the States. The change is indeed wonderful. Private concerns seem now to be forgotten, and nothing is talked of but the public cause, in which all private interest is involved, and those public

public exertions for which our country so loudly calls upon us at the present important crisis. This spirit does not content itself with words and empty declamation. It bursts forth in the most generous acts of public affection. Our merchants and citizens are as warm as they are united in their efforts for the common safety. Large and generous subscriptions are already made for the public exigencies. Among other brilliant effects of this noble warmth, which form an happy omen for our country, the ladies here have opened a subscription for the encouragement of the army, in addition to the support allowed those brave men by the States. It is not meant to be heavy to individuals, though should it take through the States, so many fair hands and tender bosoms must produce a considerable gratuity; a gratuity that must be particularly animating to the soldier, and the more so, as the plan is, that it should go to the army through the hands of the amiable lady of General Washington. I own myself highly enraptured with this plan, and the progress it makes here. Beauty and valour were formed to unite. Nothing can more inspire a soldier than a token of estimation from the fair; and surely the man deserves this who defends his country, and protects them in the possession of every domestic endearment. I am confident your state will not be behind ours in this and every other instance of public virtue. Should it ever happen, even your former glorious deeds would shame you."

*Boston, July 10.* Impertunity has prevailed on a gentleman to favour us with a transcript of the following extremely candid and impartial detail of the severe conflict, between the continental frigate *Trumbull*, commanded by the gallant Captain Nicholson, and a thirty-six gun ship from Liverpool, in England; which we cannot avoid presenting to our readers:

VOL. X.

*Extract of a letter from the Commanding Officer of the Trumbull frigate, to a gentleman in Providence, dated Boston, June 20, 1780.*

"At half past ten in the morning of June 2d, lat. 35. N. long. 64. W. we discovered a sail from the mast-head, and immediately handed all our sails, in order to keep ourselves undiscovered until she came nearer to us, she being to windward; at eleven we made her to be a large ship from the deck, coming down about three points upon our quarter: at half past eleven we thought she hauled a point more a-stern of us, we therefore made sail, and hauled upon a wind towards her, upon which she came right down upon our beams; we then took in all our small sails, hauled the courses up, hove the main-top-sail to the mast, got all clear for action, and waited for her. At half past eleven we filled the main-top (the ship being then about gun-shot to windward of us) in order to try her sailing; also, that by her hauling up after us, we might have an opportunity of discovering her broadside; she immediately got her main tack out, and stood after us; we then observed she had thirteen ports of a side exclusive of her bridle ports, and eight or ten on her quarter deck and fore-castle; after a very short exhortation to my people, they most cheerfully agreed to fight her; at twelve we found we greatly outtailed her, and got to windward of her, we therefore determined to take that advantage. Upon her observing our intention, she edged away, fired three shot at us, and hoisted British colours, as a challenge; we immediately wore after her, and hoisted British colours also. This we did in order to get peaceably alongside of her, upon which she made us a private signal, and upon our not answering it, she gave us the first broadside, we then being under British colours, and about one hundred yards distant. We immediately hoisted the Conti-

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mental colours, and returned her a broadside, then about eighty yards distance; when a furious and close action commenced, and continued for five glasses, no time of which we were more than eighty yards asunder, and the greater part not above fifty; at one time our yard-arms were almost enlocked. She set us twice on fire, with her wads, as we did her once: she had difficulty in extinguishing her's, being obliged to cut all her larboard quarter nettings away. At the expiration of the above time, my first Lieutenant (after consulting and agreeing with the second) came ashore to me, and desired I would observe the situation of our masts and rigging, which were going over the side, therefore begged I would quit her before that happened, otherwise we should certainly be taken. I therefore most unwillingly left her, by standing on the same course we engaged on; I say unwillingly, as I am confident if our masts would have admitted of our laying half an hour longer alongside of her, she would have struck to us, her fire having almost ceased, and her pumps both going. Upon our going a-head of her, she steered about four points away from us. When about musquet shot asunder, we lost our main and mizen top-mast, and in spite of all our efforts we continued losing our masts, until we had not one left but the foremast, and that very badly wounded and sprung. Before night shut in, we saw her lose her main-top-mast: I was in hopes, when I left her, of being able to renew the action, after securing my mast; but upon enquiry; found so many of my people killed and wounded, and my ship so much a wreck in her masts and rigging, that it was impossible. We lost eight killed, and thirty-one wounded; amongst the former was one lieutenant, one midshipman, one serjeant of marines, and one quarter-gunner: amongst the latter was one

lieutenant since dead, the captain of marines, the purser, the boatswain, two midshipmen, the cockswain, and my clerk; the rest were common men, nine of which; in the whole, are since dead. No people shewed more true spirit and gallantry than mine did; I had but one hundred and ninety-nine men when the action commenced; almost the whole of which, exclusive of the officers, were green country lads, many of them not clear of their sea-sickness; and I am well persuaded they suffered more in seeing the masts carried away, than they did in the engagement.

"We plainly perceived the enemy throw many of his men overboard in the action; two in particular, which were not quite dead: from the frequent cries of his wounded, and the appearance of his hull, I am convinced he must have lost many more men than we did, and suffered more in his hull. Our damage was most remarkable and unfortunate, in our masts and rigging, which I must again say, alone saved him; for the last half hour of the action, I momentarily expected to see his colours down; but am of opinion he persevered from the appearance of our masts.

"You will, perhaps, conclude from the above, that she was a British man of war, but I beg leave to assure you, that it was not then, nor is it now my opinion; she appeared to me like a French East-Indiaman cut down; she fought a greater number of marines, and more men in her tops than we did: the whole of which we either killed or drove below; she dismounted two of our guns, and silenced two more; she fought four or six and thirty twelve pounders; we fought twenty-four, twelve and six sixes. I beg leave to assure you, that let her be what she would, either letter of marque, or privateer, I give you my honour, that was I to have my choice to-morrow, I would sooner fight

fight any two-and-thirty gun frigate they have on the coast of America, than to fight that ship over again; not that I mean to degrade the British men of war, far be it from me, but I think she was more formidable and was better manned than they are in general.

" Thus, Sir, agreeable to your desire, I have given you a rough, but as minute, and as exact an account of the action, as my memory will allow of, without exaggerating, or detracting in the least: nor would I have you conclude otherwise, than that I was not able to take the ship I engaged; as to the opinion of the world in general, I desire to thank God, I have lived long enough in it, to give myself but little concern about it; in my own conscience, and to my officers and crew, who were the best judges, I have acquitted myself with reputation to my country; and I flatter myself, when you and every unprejudiced person considers my situation, they will be of the same opinion,

" You have my consent, Sir, to make what use you please of this, you'll observe it is very incorrect, as it was intended only for your own perusal and satisfaction.

I remain, Sir, with respect,

Your most obedient,

Humble Servant.

Mr. E. P. J. N.

A few days ago a detachment from the troops under Gen. Wadsworth, went up Penobscot River, (having passed the fort in whale boats in the night) and took two sloops, which had been weighing up some of the cannon lately belonging to our privateers, which were burnt there.— They had got eight cannon on board, and were coming down the river, little expecting to be conducted by our people; but Captain Mowat had the mortification to see them passing down by the fort (out of his reach however) in triumph—they fired at the fort to

vex the enemy, and got safe away. Mowat followed them to Campden; but Gen. Wadsworth having drawn up his men, and made a breast-work to frighten the enemy, he and his ship were obliged to march back again; and we are in full possession of the vessels, which were intended to invest our coasts. Gen. Wadsworth has taken forty prisoners, including the men who were on board these vessels.

A few days since the *Flora*, a British frigate, of thirty-two guns, sunk at Rhode Island some time since by the enemy, was weighed; the effects found on board her are of great value.

*Extracts from the Journals of Congress, Wednesday, May 3, 1780*

" Resolved, That until the farther order of Congress, the Deputy-paymasters-general, under the Paymaster general of the armies of the United States, be allowed at the rate of eight tenths per cent, on the monies which they may pay out respectively to the army; and that this Commission have retrospect to the commence from the 29th day of May, 1779, when the pay-office was last regulated; that the said allowance be in full payment for the services of themselves and assistants, and in full compensation of all expences except one ration a day each, while at camp, for themselves and assistants."

*In Congress, June 2, 1780.*

" Whereas it is represented to Congress, and by authentic evidence laid before them it appears, that the people inhabiting the district or county commonly known by the name of the New Hampshire Grants, and claiming to be an independent State, have, notwithstanding the resolutions of Congress, of the 24th of September, and 2d of October, proceeded, as a separate Government, to make grants of lands and sales of estates by them declared for-

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feited and confiscated; and have also, in divers instances, exercised civil and military authority over the persons and effects of sundry inhabitants within the said districts, who profess themselves to be citizens of, and to owe allegiance to the State of New-York;

“ Resolved, That the acts and proceedings of the people, inhabiting the said district, and claiming to be an independent State as aforesaid, in contravening the good intentions of the said resolutions of the 24th of September, and 2d of October last, are highly unwarrantable and subversive of the peace and welfare of the United States.

“ That the people inhabiting the said district, and claiming to be an independent State as aforesaid, be, and they hereby are strictly required to forbear and abstain from all acts of authority, civil or military, over the inhabitants of any town or district, who hold themselves to be subjects of, and to owe allegiance to, any of the States claiming the jurisdiction of the said territory, in whole or in part, until the decisions and determinations in the resolutions aforementioned shall be made.

“ And whereas, the States of New Hampshire and New York, have complied with the said resolutions, of the 24th of September, and 2d of October last, and by their Agents and Delegates in Congress, declared themselves ready to proceed in supporting their respective rights, to the jurisdiction of the district aforesaid, in whole or in part, according to their several claims, and in the mode prescribed in the said resolutions: and whereas Congress, by their order of the 21st of March last, did postpone the consideration of the said resolutions, nine States, exclusive of those who were parties to the question, not being represented; and by their orders of

the 17th of May last, have directed that letters be written to the States not represented, requesting them immediately to send forward a representation:

“ Resolved, That Congress will, as soon as nine States, exclusive of those who are parties to the controversy, shall be represented, proceed to hear and examine into, and finally determine the disputes and differences relative to jurisdiction between the three States of New Hampshire, Massachusetts Bay, and New York, respectively, or such of them as shall have passed such laws as are mentioned in the said resolutions, of the 24th day of September, and 2d of October last, on the one part, and the people of the district aforesaid, who claim to be a separate jurisdiction, on the other, in the mode prescribed in and by the said resolutions.

Extract from the minutes,

CHARLES THOMSON, Sec.

*From the Pennsylvania Gazette of July 8.*

In free states every good citizen considers the public interest as his own. While the times admit of tranquility and ease, the management of public affairs is left wholly to the magistrate. A jealousy of power, natural in all democratical governments, confines his authority within narrow limits. The consequence is, that a degree of remissness is often found in them, on occasions when greater than the ordinary exertions would be laudable, but when the greatest are not indispensably necessary. The inconvenience however, is abundantly compensated by superior advantages. Let critical emergencies rise, and the spirit of a republic rises along with them: Individuals obey the calls of Government; and Government gives the most inviting encouragement to the

the aims and efforts of individuals. The powerful energy is diffused through the people, and the most vigorous and decisive measures are the result of the pervading and animating influence. Every member of the body politic is roused into action; and enterprizes are formed and carried into successful execution, which, at any other period, would prove the offspring of inconsiderate temerity.

In the course of this war, which we have been obliged to maintain against the pride, the insolence, and the tyranny of Great-Britain, these observations have been verified by experience. Forgiving and unsuspicious, we have suffered our resentments to cool, and our spirit of enterprize to languish, whenever the objects of our resentment have been removed, and our apprehensions of danger have begun to subside. But when danger has returned, and a free people have been summoned to exertion, the spirit of a free people has been far from deserting us.

Many late instances in Pennsylvania evince, that this laudable and generous disposition governs the conduct of her citizens. Our political differences vanish. We drop them with cheerfulness, when we are called to assist in the decision of a question, which must be previously determined in our favour, in order to enjoy an opportunity of discussing them.

It will be agreeable to your patriotic readers to be inform of the plan of the Bank established in this State, in order to raise supplies for the continental troops; those troops, who, regulated by the command, and stimulated by the example of one of the brightest ornaments of humanity, have deserved so well the gratitude and the assistance of every one that feels himself interested in the cause of the United States, of freedom, and of mankind!

*The Plan of the Bank of Pennsylvania, established for supplying the army of the United States with provisions.*

A number of gentlemen are to give their bonds to the Directors of the Bank, in such sums as each shall think proper, binding himself for the payment thereof, if it shall become necessary, in order to fulfil the engagements and discharge the notes or contracts of the Bank.

These securities shall be extended to the sum of three hundred thousand pounds, Pennsylvania currency, in specie, at the rate of seven shillings and sixpence for a Spanish dollar.

Two Directors shall be chosen by the sureties to conduct the business of the Bank, with such assistants or clerks, as upon experience may be found necessary. The Directors shall provide a proper place for their counting-house, books, notes, stationery, &c. They are to keep full and fair accounts of all their transactions, crediting every person's account for money received from him, and charging each proper account for the monies paid. They are authorized to borrow money on the credit of the Bank, for six months, or any shorter period; and to grant special notes, bearing interest at the rate of six per cent. per annum, to the lenders of the sums borrowed. They are to keep a fair and regular cash account, which must be settled every night; and one or both must count the balance, and see that it is in their chest. They must keep an exact register of all the notes they issue, so as to ascertain every night the demands to come against them the next day. They are to receive from Congress, such sums as they may, from time to time, allot for the reimbursement of the Bank. But when this source and sums occasionally borrowed on interest aforesaid, do not afford a sufficient supply, the Directors are authorized to demand  
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and receive from every subscriber of a general loan to the Bank, such part of his subscription as may be necessary to make exact payment; granting to each of the said subscribers a note, bearing interest as aforesaid, for the sum received from him.

All monies borrowed and received from Congress, by the Directors, shall be applied to the sole purposes of purchasing provisions and rum for the use of the Continental army; of transporting them to camp, to be delivered to the order of his Excellency the Commander in Chief, or of the Board of War; and of discharging their notes and the expence of conducting the business. And no part of the said monies, or of the notes to be issued by the said Directors, shall, by them, or any person acting for or on behalf of the Bank, be applied to any other use or uses, purpose or purposes whatsoever. Neither shall they borrow more money, or issue more notes, than shall be found absolutely necessary for the aforesaid purposes.

The sureties for the Bank shall choose a Factor, who shall have the entire management of the purchases, and on whose order, the Directors are to pay, in money or notes, such sums, from time to time, as he may draw for.

The draughts will require immediate supply, and therefore it is necessary that the subscribers to the general loan pay ten per cent. on their subscriptions, within eight days after the date thereof. This will create a fund to begin with. It must be the constant aim both of the Directors in paying, and of the Factor in his contracts, to pass as many notes in payment as possible, until Congress can reimburse the Bank: and when that shall happen, the notes that shall be out shall be called in, and paid off; the entire accounts shall be made up and settled with Congress;

and the bonds of the Sureties shall be delivered up or cancelled.

The Directors shall execute instruments of writing, binding their whole estates for the faithful performance of their duties; which instruments, and the bonds of the Sureties shall be recorded in the Recorder's-office, for the county of Philadelphia, and shall be deposited in the hands of the Board of Inspectors hereafter mentioned. The Board of Inspectors shall consist of five persons, to be chosen by the Sureties. This Board shall hold the bonds of the Sureties safely in their possession, until the business be finished and settled; or in case of default, until suits shall be brought and recovery had thereupon.

The Board of Inspectors, or any three of them, shall have free access at all seasonable hours to the books and papers of the Bank, and of the Factor, or persons employed under him or them. They may enquire into the manner of managing the business; and may give their advice and opinion whenever they please; and if they think it necessary or proper, may call a general meeting of the Sureties, in order to lay the proceedings before them, to ask their advice, or to propose new regulations, a change of officers, or any other matter or thing they shall judge fit.

The Factor is authorized to hire a convenient store for his business, and to employ such Agents, Clerks, and Assistants, as, by experience, may be found necessary. He shall proceed with all possible dispatch, to purchase, on the most reasonable terms, flour, beef, and pork, of sound good quality, and in such quantities of each article as may be regulated by the Board of War, until he procure in the whole three millions of rations, or as much thereof as he can, and three hundred hog-heads of rum. He shall, as expeditiously



sionally as possible, send the articles abovementioned, in sufficient quantities to make a load, to Trenton, to the care and direction of who shall receive and forward the same to camp, and there deliver them to the order of the Commander in Chief, or of the Board of War. The Factor supplying them with money or notes to pay the charges arising on such receipt of transportation.

The Factor is authorized to draw on the Directors for specie, Pennsylvania state money, or Continental money, as occasion may require; he and they always taking care to understand their ability to honour such drafts.

He shall provide his store with rum, sugar, coffee, salt, and other goods, at the cheapest wholesale prices, to be sold at the same prices to those who supply him with provisions, that so he may gain a preference of what comes to market. It may be useful in this respect to make it known throughout the country, that he is enabled to make such payments as above described.

The Factor shall give security to the Board of Inspectors, in the sum of ten thousand pounds, Pennsylvania currency, in specie, for the faithful discharge of his duty. He shall keep fair accounts of all his transactions, and copies of all his letters; and shall settle with the Directors as often as they, or the Board of Directors shall think fit.

The Directors, Factor, and all persons employed under them shall be paid reasonable compensations for their time and trouble. But as this association is founded on the present public necessities, with intention to relieve them, as far as its object extends; none of the sureties, subscribers to the general loan, inspectors,

the gentlemen that shall receive the goods at Trenton, and forward them thence, or other gentlemen that may give occasional assistance, mean to derive the least pecuniary advantage to themselves or families from this exertion. Yet, as it is hoped and expected that the United States will draw the most essential benefits from it, it is just that Congress should pledge the faith of the United States, to reimburse the whole cost and charges of this transaction in reasonable time, to give such assistance in the execution as may be in their power, and such security as the Board of Inspectors may stipulate with them (which the said Board are authorized to do) for the indemnification of the sureties of the Bank, and the subscribers to the General Loan.

The Inspectors of Bank are,

Robert Morris, J. M. Nesbitt, Blair M'Clenachan, Samuel Miles, Cadwallader Morris.

Directors. John Nixon, George Clymer.

Factor. Tench Francis.

The execution of the plan is in great forwardness.

Whereas in the present situation of public affairs in the United States, the greatest and most vigorous exertions are required, for the successful management of the just and necessary war in which they are engaged with Great-Britain: we the subscribers, deeply impressed with the sentiments that on such an occasion should govern us in the prosecution of a war, on the event of which our own freedom and that of our posterity, and the freedom and independence of the United States are all involved, hereby severally pledge our property and credit for the several sums specified and mentioned after our names, in order to support the credit of a Bank to be established for furnishing a sup-

\* Neither the Directors nor Factor now chosen by the subscribers, are to have any compensation made them for their services.

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ply of provisions for the armies of the United States: and we do hereby severally promise and engage to execute to the Directors of the said Bank, bonds of the form hereunto annexed. Witness our hands this 17th day of June, in the year of our Lord, 1780.

*Pennsylvania currency, payable in gold or silver.*

|                        |   |        |
|------------------------|---|--------|
| Joseph Reed            | — | £.2000 |
| William Moore          | — | 10,000 |
| Thomas M'Kean          | — | 2000   |
| John Lacey             | — | 1000   |
| James Thompson         | — | 1000   |
| John Hambright         | — | 1000   |
| Robert Morris          | — | 10,000 |
| Blair M'Clenachan      | — | 10,000 |
| James Wilfon           | — | 5000   |
| George Clymer          | — | 5000   |
| William Bingham        | — | 5000   |
| J. M. Nesbit and Co.   | — | 5000   |
| Richard Peters         | — | 5000   |
| Samuel Meredith        | — | 5000   |
| James Mease            | — | 5000   |
| Thomas Barclay         | — | 5000   |
| Samuel Morris, jun.    | — | 5000   |
| John Cox               | — | 5000   |
| Robert L. Hooper, jun. | — | 5000   |
| Hugh Shiell            | — | 5000   |
| Benjamin G. Eyre       | — | 4000   |
| William Coates         | — | 4000   |
| Emanuel Eyre           | — | 5000   |
| John Dunlap            | — | 4000   |
| James Budden           | — | 4000   |
| Cadwallader Morris     | — | 2500   |
| Robert Brads           | — | 2000   |
| Owen Biddle            | — | 2000   |
| John Gibson            | — | 2000   |
| Michael Hillegas       | — | 4000   |
| Charles Petit          | — | 2000   |
| John Mitchell          | — | 2000   |
| Matthew Irwin          | — | 5000   |
| Thomas Irwin           | — | 5000   |
| John Philip de Haas    | — | 5000   |
| Philip Moore           | — | 5000   |
| Robert Knox            | — | 2000   |
| Joseph Bullock         | — | 2000   |
| John Nixon             | — | 5000   |
| Francis Gurney         | — | 2000   |
| George Campbell        | — | 2000   |
| William Lewis          | — | 2000   |

|                         |   |      |
|-------------------------|---|------|
| John Mease              | — | 4000 |
| John Wharton            | — | 2000 |
| Benjamin Rush           | — | 2000 |
| T. Lawrence             | — | 2000 |
| Joseph Blewer           | — | 2000 |
| John Pringle            | — | 3000 |
| Bunner, Murray, and Co. | — | 6000 |
| Joseph Carlon           | — | 4000 |
| Matthew Clarkson        | — | 2000 |
| William Hall            | — | 2000 |
| John Patton             | — | 2000 |
| Thomas Leiper           | — | 4000 |
| Robert Bridges          | — | 5000 |
| B. Fuller               | — | 2000 |
| B. Randolph             | — | 2000 |
| Abraham Bickley         | — | 2000 |
| George Meade and Co.    | — | 2000 |
| John Benezet            | — | 5000 |
| John Donaldson          | — | 2000 |
| Henry Hill              | — | 5000 |
| John Morgan             | — | 5000 |
| John Steinmetz          | — | 2000 |
| Samuel Miles            | — | 3000 |
| Samuel Miffin           | — | 5000 |
| Thomas Miffin           | — | 5000 |
| Andrew Hodge            | — | 2000 |
| Thomas Willing          | — | 5000 |
| Samuel Powell           | — | 5000 |
| Charles Thomson         | — | 3000 |
| Henry Keppele           | — | 2000 |
| Francis C. Hassenclever | — | 2000 |
| Isaac Melcher           | — | 2000 |
| Isaac Moses             | — | 3000 |
| John Scaffer            | — | 2000 |
| Alexander Tod           | — | 2000 |
| John Purviance          | — | 2000 |
| Kean and Nichols        | — | 4000 |
| John Wilcocks           | — | 2000 |
| Samuel Inglis           | — | 2000 |
| Jonathan Penrose        | — | 2000 |
| Nathaniel Falconer      | — | 2000 |
| James Caldwell          | — | 2000 |
| Samuel Caldwell         | — | 2000 |
| Samuel Penrose          | — | 1000 |
| William Turnbull        | — | 1000 |
| John Shee               | — | 1000 |
| Benjamin Davis, jun.    | — | 1000 |
| Sharp Delaney           | — | 1000 |
| Samuel Morris           | — | 3000 |
| Andrew Doz              | — | 1000 |
| Gerardus Clarkson       | — | 2000 |
| Peter Whiteside         | — | 1000 |

Andrew

|                   |           |
|-------------------|-----------|
| Andrew Robeson    | — 1000    |
| Abraham Shoemaker | — 2000    |
| Tench Francis     | — 5500    |
|                   | <hr/>     |
|                   | £.315,000 |

*The CRISIS. No. IX.*

Had America pursued her advantages with half the spirit she resisted her misfortunes, she would, before now, have been a conquering and a peaceful people; but lulled in the lap of soft tranquility, she rested on her hopes, and adversity only has convulsed her into action. Whether subtilty or sincerity, at the close of the last year, induced the enemy to an appearance for peace, is a point not material to know; it is sufficient that we see the effect it has had on our politics, and that we sternly rise to resent the delusion.

The war, on the part of America, has been a war of natural feelings. Brave in distress; serene in conquest; drowsy when at rest; and in every situation generously disposed to peace. A dangerous calm, and the most heightened zeal, have, as circumstances varied, succeeded each other. Every passion, but that of despair has been called to a tour of duty; and so mistaken has been the enemy of our abilities and disposition, that when she supposed us conquered, we rose the conquerors. The extensiveness of the United States, and the variety of their resources; the universality of their cause, the quick operation of their feelings, and the similarity of their sentiments, have, in every trying situation, produced a something, which, favoured by Providence, and pursued with ardour, has accomplished in an instant the business of a campaign. We have never deliberately fought victory, but snatched it; and bravely undone in an hour, the plotted operations of a season.

The fate of Charles-town, like the misfortunes of seventy-six, has at last called forth a spirit, and kindled up  
Vol. X.

a flame, which perhaps no other event could have produced. If the enemy has circulated a falsehood, they have unwisely aggravated us into life, and if they have told us a truth, they have unintentionally done us a service. We were returning with folded arms from the fatigues of war, and thinking and sitting leisurely down to enjoy repose. The dependence that has been put upon Charles-town, threw a drowsiness over America. We looked on the business done—the contest over—the matter settled—or that all which remained unfinished would follow of itself. In this state of dangerous relax, exposed to the poisonous insinuations of the enemy, and having no common danger to attract our attention, we were extinguishing by stages the ardour we began with, and surrendering by piece-meals the virtue that defended us.

Afflicting as the loss of Charles-town may be, yet if it universally rouse us from the slumber of a twelvemonth past, and renew in us the spirit of former days, it will produce an advantage more important than its loss. America ever is what she thinks herself to be. Governed by sentiment, and acting her own mind, she becomes as she pleases the victor or the victim.

It is not the conquest of towns, nor the accidental capture of garrisons, that can reduce a country so extensive as this. The sufferings of one part can ever be relieved by the exertions of another, and there is no situation the enemy can be in, that does not afford to us the same advantages she seeks herself. By dividing her force, she leaves every post attackable. It is a mode of war that carries with it a confession of weakness, and goes on the principle of distress, rather than conquest.

The decline of the enemy is visible not only in their operations, but in their plans; Charles-town originally  
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made but a secondary object in their system of attack, and it is now become their principal one, because they have not been able to succeed elsewhere. It would have carried a cowardly appearance in Europe had they formed their grand expedition in seventy-six, against a part of the continent where there was no army, or not a sufficient one to oppose them; but failing, year after year, in their attempts here, and to the eastward and northward, they deserted their first capital design, and prudently contenting themselves with what they can get, gave a flourish of honour to conceal disgrace.

But this piece-meal work is not conquering the continent. It is discredit in them to attempt it, and in us to suffer it. It is now full time to put an end to a war of aggravations, which, on one side, has no possible object, and on the other, has every inducement which honour, interest, safety and happiness, can inspire. If we suffer them much longer to remain among us, we shall become as bad as themselves. An association of vices will reduce us more than the sword. A nation hardened in the practice of iniquity, knows better how to profit by it than a young country newly corrupted. We are not a match for them in the line of advantageous guilt, nor they to us on the principles we bravely set out with. Our first days were our days of honour. They have marked the character of America wherever the story of her wars are told; and convinced of this, we have nothing to do but wisely and unitedly to tread the well-known track.

The progress of a war is often as ruinous to individuals, as the issue of it is to a nation; and it is not only necessary that our force be such, that we be conquerors in the end, but that by timely exertions we be secure in the interim. The present campaign will afford an opportunity

which has never presented itself before, and the preparations for it are equally necessary, whether Charles-town stand or fall. Suppose the first, it is in that case only a failure of the enemy, not a defeat. All the conquest a besieged town can hope for is, not to be conquered; and compelling an enemy to raise the siege, is, to the besieged, a victory; but there must be a probability, amounting almost to certainty, that would justify a garrison marching out to attack a retreat. Therefore, should Charles-town not be taken, and the enemy abandon the siege, every other part of the continent should prepare to meet them; and on the contrary, should it be taken, the same preparations are necessary, to balance the loss, and put ourselves in a condition to co-operate with our allies, immediately on their arrival.

We are not now fighting our battles alone, as we were in seventy-six, England, from a malicious disposition to America, has not only not declared war against France and Spain, but, the better to prosecute her passions here, has afforded those powers no military object, and avoids them to distress us. She will suffer her West-India Islands to be overrun by France, and her southern settlements taken by Spain, rather than quit the object that gratifies revenge. This conduct, on the part of Britain, has pointed out the propriety of France sending a naval and land force to co-operate with America on the spot. Their arrival cannot be very distant, nor the ravages of the enemy long. In the mean time the part necessary to us needs no illustration. The recruiting the army, and procuring the supplies, are the two things needful; and a capture of either of the enemy's divisions, will restore to America peace and plenty.

At a crisis, big, like the present, with expectation and events, the whole

whole country is called to unanimity and exertion. Nor an ability ought now to sleep, that can produce but a mite to the general good, nor even a whisper suffered to pass that militates against it. The necessity of the case, and the importance of the consequences, admit no delay from a friend, no apology from an enemy. To spare now, would be the height of extravagance, and to consult present ease, would sacrifice it, perhaps for ever.

America, rich in patriotism and produce, can want neither men nor supplies, when a serious necessity calls them forth. The slow operation of taxes, owing to the extensiveness of collection, and their depreciated value before they arrived in the Treasury, have, in many instances, thrown a burthen upon government, which has been artfully interpreted by the enemy into a general decline throughout the country. Yet this, inconvenient as it may at first appear, is not only remediable, but may be turned to an immediate advantage; for it makes no real difference, whether a certain number of men, or company of militia (and in this country every man is a militia man) are directed by law to send a recruit at their own expence, or whether a tax is laid on them for that purpose, and the men hired by Government afterwards. The first, if there is any difference, is both cheapest and best, because it saves the expence which would attend collecting it as a tax, and brings the man sooner into the field than the modes of recruiting formerly used: and on this principle a law has been passed in this State for recruiting two men from each company of militia, which will add upwards of a thousand to the force of the country.

But the flame, which has broke forth in this city since the report from New-York of the loss of Charlestown, not only does honour to the

place, but, like the blaze of seventy-six, will kindle into action the scattered sparks throughout America. The valour of a country may be learned by the bravery of its soldiery, and the general cast of its inhabitants, but confidence of success, best discovered by the active measures pursued by men of property; and when the spirit of enterprize becomes so universal, as to act at once on all ranks of men, a war may then, and not till then, be styled truly popular.

In seventy-six the ardour of the enterprising part was considerably checked by the real revolt of some, and the coolness of others. But in the present case there is a firmness in the substance and property of the country to the public cause. An association has been entered into by the merchants, tradesmen, and principal inhabitants of the city, to receive and support the new state money at the value of gold and silver; a measure, which, while it does them honour, will likewise contribute to their interest, by rendering the operations of the campaign convenient and effectual.

Neither has the spirit of exertion stopped here. A voluntary subscription is likewise begun, to raise a fund of hard money, to be given as bounties to fill up the full quota of the Pennsylvania line. It has been the remark of the enemy, that every thing in America has been done by the force of government; but when she sees the individuals throwing in their voluntary aids, and facilitating the public measures in concert with the established powers of the country, it will convince her that the cause of America stands not on the will of a few, but on the broad foundation of property and popularity.

Thus aided, and thus supported, disaffection will decline, and the withered head of tyranny expire in America. The ravages of the ene-

my will be short and limited, and like their former ones will produce a victory over themselves.

COMMON SENSE.

*Philadelphia, June 9, 1780.*

At the time of writing of this number of the Crisis, the loss of Charles-town, though believed by some, was more confidently disbelieved by others. But there ought to be no longer a doubt of the matter.—Charles-town is gone, and I believe for want of a sufficient supply of provisions. The man that does not now feel for the honour of the best and noblest cause that ever a country engaged in, and exert himself accordingly, is no longer worth a peaceable residence among a people determined to be free.

C. S.

*Ordnance forbidding the exportation of gold and silver pieces to the stranger, passed the first of February, 1780, taken out from the Register of the Superior Council at Port-au-Prince.*

Robert Count d'Argout, Camp-Marshal of the King's armies, his Governor and Lieutenant-general of the French islands of America, under the wind, and Inspector-general of all the troops, militia, fortifications, artillery, &c. of the above islands, and

John Baltista Guil. Peraire, one of his Majesty's most honourable Council, Counsellor to the Court of Parliament of France, Intendant of justice, policy, finances, war, and navy of these islands, till further orders, by our decree of the 2d of July, 1778.

Whereas we have been informed that the strangers vessels, to which we have permitted the introduction into the Admiralty seaport of this colony successively, carry away gold and silver coin; to prevent the progress of such a considerable loss, we have resolved as follows:

Article I. The Captains, Masters,

passengers, and the crews, of any strange ship, shall not, on any pretence whatsoever, make return in any other things but the produce of the country, or dry goods, forbidding them to export gold or silver coin, upon forfeiture of it; likewise the vessel and cargo, besides 3000 livres penalty; one half of it applicable to the King, the other to the informer.

Art. II. The cargoes and ventures of the above-mentioned shall be delivered in full to the merchants or Commissioners, charged by the Captain, or who they have been consigned to by their owners, so that the selling them might be made by the Commissioners only.

Art. III. As soon as the vessel comes in, the interpreter shall be obliged to ask the Captain, Master, or Commissioner, the price; invoice of the cargo, and ventures duly certified by the Commissioner, shall be annexed to the Captain's declaration. The said interpreter shall require from the Captain or Master his certified invoices, specifying the balance of sales and returns, which will be delivered, one of them to the register of Admiralty, and the other to a granting officer, which shall be executed under the penalty mentioned in the first article, for what concerns the Captain or Master; and under that of 3000 livres for what concerns the interpreter, merchants, or Commissioners, in case of contravention, or false declaration.

Art. IV. Should not the product of returns be equivalent to that of sale, the overplus shall be left in the hands of the merchant factor, and mentioned as such in the parting declaration, to be employed in further purchase to import the following voyage. And the factor shall be cleared of the said employing by the next dispatch, or laded upon freight in any other vessels, allowing them three months from the further time.

time.—They all under the penalty of 3000 livres, to be suffered by the factor in case of trespass.

Furthermore shall be executed the depositions of our decree of the 20th of July, 1778, and the present shall be entered in the register of Intendant's office.

We the honourable the Supreme Council of Port-au-Prince to register the said ordnance in the Register-office, and advise thereof the Admiralty jurisdiction to maintain its execution by the frequent verification.

Signed, sealed, and delivered at Port-au-Prince, Feb. 1, 1780.

(Signed) D'ARGOUT. PÉRAIRE.

From the LONDON GAZETTE.

Admiralty-Office, Sept. 15, 1780.

*Extract of a letter from Sir GEORGE BRYDGES RODNEY, Barr. to Mr. STEPHENS, dated Princess-Royal, St. Lucia, July 1, 1780.*

Since my dispatches of yesterday by the Afton, Capt. Keeler, I must desire you will acquaint their Lordships, that three of the Spanish ships of the line are gone to leeward with their convoy, and were seen to pass the island of Santa Cruz, steering to the westward.

Had the Spanish Admiral repaired instantly to the rendezvous he gave his fleet, we certainly had brought him to action before his junction with the French; but he chose to go no further than Guadaloupe, and from thence detached a frigate to Martinique, demanding a junction of the French fleet off that island. Mons. de Guichen immediately failed with eighteen ships of the line to leeward of the islands, and joined the Spaniards under Dominique.

I wait impatiently for the junction of Mr. Walsingham's squadron, which Captain Robinson, of the Shrewsbury, informs me I may expect in a few days. When that happy event takes place, the num-

bers of the enemy shall not prevent my looking them in the face, and attacking them, should they give me a proper opportunity.

Admiralty-Office, Sept. 11, 1780.

*Extract of a letter from Admiral Sir GEORGE BRYDGES RODNEY to Mr. STEPHENS, dated Sandwich, Basse-Terre Road, St. Christopher's, July 31, 1780.*

Since my last, dated St. Lucia, the 1st of July, sent by Rear-Admiral Parker, giving their Lordships an account of the then situation of affairs in this part of the world, and the very great force of the combined fleets, which consisted of 36 sail of the line, I have the honour to acquaint their Lordships, that, notwithstanding their great superiority in numbers, they did not venture either to attack any of his Majesty's islands, or to reconnoitre his Majesty's fleet, then at an anchor in Gros Illet Bay. Notwithstanding I had a small squadron continually cruising before the mouth of Fort Royal Bay, in order to give me notice of all their motions, they did not even attempt to drive them from the station, but remained totally inactive in the Great Bay of Fort Royal till the 5th of July, when the whole combined fleet, in the night, put to sea, without making signals, or showing lights.

I ordered frigates to follow them, and daily report to me their situation, and the motions they made; holding the fleet under my command in momentary readiness to follow and disconcert any intentions they might have formed against the Leeward Islands.

The combined fleets went to Guadaloupe, where they remained some few days, and on the 9th inst. were left by one of my cruisers (the Alert) off Santa Cruz, steering West. Captain Vashon, who commands her, acquainted me, that he counted twenty-six of the line at least; that they

they were divided into four squadrons, at a very considerable distance from each other.

I immediately dispatched the Alert to Jamaica to give Sir Peter Parker notice of the enemy's sailing, having before sent the Tobago and Scarborough with intelligence to that island.

Mr. Walsingham and the troops from England having joined me on the 12th, every dispatch possible was made for the fleet and transports to put to sea the moment they were watered, which took up some time; and was in some measure delayed by the Princess Royal's main-mast being found unserviceable, and obliged to have a new one.

On the 17th, I put to sea with the fleet, leaving Commodore Hotham with the Vengeance, Fame, Boyne, Ajax, Vigilant, and Preston, with frigates, for the protection of St. Lucia, and the Windward Islands of Barbadoes and Tobago.

With the remainder I proceeded with the whole convoy to St. Christopher's, where I had ordered from Antigua a vessel loaded with rum to meet me, for the use of the fleet; there not being a sufficient quantity at St. Lucia to supply them.

I shall hold myself in momentary readiness to assist any of his Majesty's Colonies on which the enemy may attempt to make an impression, or act with them in such a manner as shall appear to me most beneficial to his Majesty's service.

I am fully convinced, by what I have already experienced, that I shall have every assistance in their Lordships power to grant, and beg you will assure them, that his Majesty's Squadron in these seas shall not remain inactive.

*Copy of a letter from Sir GEORGE BRYDGES RODNEY to Mr. STEPHENS, dated Sandwich, Basseterre Road, St. Christopher's, July 31, 1780.*

S I R,

It is at the most positive and pressing requisition of the parties concerned in the papers herewith inclosed, that I presume to trouble you with them for their Lordships perusal. I am, &c.

G. B. RODNEY.

*To Sir GEORGE BRYDGES RODNEY,  
Bart. Admiral of the White, and  
Commander in Chief of his Majesty's Squadron on the Leeward Island Station.*

We his Majesty's dutiful and loyal subjects, the Assembly of St. Christopher's, deeply impressed with a just sense of the important advantages arising to the British empire in general from your unabated ardour in the service of his Majesty, to crush the efforts of our ancient and inveterate enemies now combined for our destruction, and particularly thankful for the remarkable protection which has been afforded us since your arrival in these seas, beg leave to offer our warmest acknowledgments, and to pay a just tribute to the merit of so able, gallant, and experienced a Commander. May the success, which crowned the British arms at the dawn of your appointment, continue to increase, and add additional laurels to those you have already so honourably acquired.

ARETAS AKERS, Speaker.

*Basseterre Assembly-Room,*

*July 22, 1780.*

*Nevis.*

*To Sir GEORGE BRYDGES RODNEY,  
Bart. Admiral and Commander in  
Chief of his Majesty's Squadron in  
these seas:*

*The Address of the House of Assembly  
of the island of Nevis:*

S I R,

The Assembly of the island of Nevis, his Majesty's most dutiful and loyal subjects, ever desirous of paying tribute to virtue, wherever due,



due, and expressing grateful acknowledgments for services done to them, think themselves at this time indispensibly bound to declare the deep sense they entertain of his Majesty's paternal care towards them, in having appointed you to the command of the Squadron in these seas; and at the same time to testify to the world their gratitude for the many and singular services you have rendered these colonies.

Accept, therefore, Sir, the unfeigned thanks of the Assembly of Nevis; accept their best wishes for your health and prosperity; and may that Power, which has hitherto led you on to conquest, ever protect you in the day of battle.

These, Sir, are the heart-felt prayers and wishes of the inhabitants of the island of Nevis, and these will, we trust, be ever offered up to the Almighty for your future preservation.

E. PARRIT, Speaker,  
GWYN V. JAKES, Clerk  
of the Assembly.

*Assembly-Room, July 25, 1780.*

To Sir GEORGE BRYDGES RODNEY,  
Bart. Rear-Admiral of Great-Britain, Admiral of the White, and Commander in Chief of his Majesty's fleet in the West-Indies:

SIR,

We, his Majesty's most dutiful and loyal subjects, the Council of the island of Nevis, are happy in embracing this favourable opportunity of expressing the satisfaction we feel, in having an officer of such distinguished rank and merit intrusted with the command of his Majesty's fleet in these seas.

We are at a loss for words to express the high sense we entertain of the intrepidity, firmness, and naval knowledge, which have so eminently marked your conduct in all the different engagements you have had with his Majesty's enemies, and

particularly in the memorable action of the 17th of April last.

May your illustrious example be the means of diffusing such a spirit of emulation through the navy, as will effectually frustrate every attempt of our combined enemies, and render the British flag an object of terror and admiration through the world.

We esteem ourselves bound by every motive of gratitude to acknowledge our obligations to you, Sir, for the security we at present enjoy, which is the happy result of your spirited and seasonable exertions, with a force greatly inferior to the enemy.

We most ardently wish, that you may continue to enjoy perfect health, and live to have a series of the most distinguished services acknowledged by a grateful country, and amply and honourably rewarded by the best of Kings.

J. R. HERBERT, President.  
By command,  
T. WALL, Clerk of the Council.

*From the Pennsylvania Gazette of July 8.*

*Philadelphia, July 8.*

*Extract of a Letter from General WASHINGTON, dated Whippenny, June, 25, 1780.*

"The conduct of the enemy giving us reason to suspect a design against West Point, on the 21st the army, except two brigades and the horse, left under the command of General Greene, to cover the country and our stores, was put in motion to proceed slowly towards Pompton. On the 22d it arrived at Rock-away-bridge, about eleven miles from Moris-town. The day following, the enemy moved in force from Elizabeth-town towards Springfield. They were opposed with great conduct and spirit by Major-general Greene and Dickenson, with the Continental troops, and such of the militia as were

were assembled; but with their superiority in numbers they of course gained Springfield. Having burnt the village, they retired the same day to their former position. In the night they abandoned it, crossed over to Staten Island, and took up their bridge. I beg leave to refer Congress to General Greene's report for particulars.

"The enemy have not made their incursions into this state without loss. Ours has been small. The militia deserve every thing that can be said on both occasions. They flew to arms universally, and acted with a spirit equal to any thing I have seen in the course of the war."

*The inclosed Report from Major-general GREENE was as follows:*

*Springfield, July 24, 1780.*

"SIR,

"I have been too busily employed, to lay before your Excellency the transactions of yesterday.

"The enemy advanced from Elizabeth-town, about five in the morning, said to be about five thousand infantry, with a large body of cavalry, and fifteen or twenty pieces of artillery. Their march was rapid and compact. They moved in two columns, one on the main road leading to Springfield, the other on the Vauxhall-road. Major Lee, with the horse and pickets, opposed the right column, and Colonel Dayton, with his regiment, the left, and both gave as much opposition as could have been expected from so small a force. Our troops were so extended, to guard the different roads leading to the several passes over the mountain, that I had scarcely time to collect them at Springfield, and make the necessary dispositions, before the enemy appeared before the town, when a cannonade commenced between their advance and our artillery, posted for the defence of the bridge. The enemy continued ma-

neuving in our front for upwards of two hours, which induced me to believe they were attempting to gain our flanks. My force was small, and from the direction of the roads, my situation was critical. I disposed of the troops in the best manner I could, to guard our flanks, secure a retreat, and oppose the advance of their columns. Col. Angell, with his regiment, and several small detachments, and one piece of artillery, was posted to secure the bridge in front of the town. Col. Shrieve's regiment was drawn up at the second bridge, to cover the retreat of those posted at the first. Mr. Lee, with his dragoons, and the pickets, commanded by Capt. Walker, was posted at Little-bridge, on the Vauxhall-road; and Colonel Ogden was detached to support him. The remainder of General Maxwell's and Stark's brigades were drawn up on the high grounds at the mill. The militia were on the flanks. Those under the command of Gen. Dickenson made a spirited attack upon one of the enemy's flanking parties, but his force was too small to push the advantage he had gained.

"While the enemy were making demonstrations to their left, their right column advanced on Major Lee. The bridge was disputed with great obstinacy, and the enemy must have received very considerable injury; but by fording the river, and gaining the point of the hill, they obliged the Major, with his party, to give up the pass. At this instant of time, their left column began the attack on Col. Angell; the action was severe, and lasted about forty minutes, when superior numbers overcame obstinate bravery, and forced our troops to retire over the second bridge, where the enemy were warmly received by Col. Shrieve's regiment; but as they advanced in great force, with a large train of artillery,

tillery, he had orders to join the brigade.

"As the enemy continued to press our left on the Vauxhall-road, which led directly into our rear, and would have given them the most important pass, and finding our front too extensive to be secured by so small a body of troops, I thought it most advisable to take post upon the first range of hills in the rear of Bryant's tavern, where the roads are brought so near to a point, that succour might readily be given from one to the other. This enabled me to detach Colonel Webb's regiment, commanded by Lieutenant-colonel Huntington, and Colonel Jackson's regiment with one piece of artillery, which entirely checked the advance of the enemy on our left, and secured that pass.

"Being thus advantageously posted, I was in hopes that the enemy would have attempted to gain the heights, but discovering no disposition in them for attacking us, and seeing them begin to fire the houses in town, detachments were ordered out on every quarter, to prevent their burning buildings not immediately under the command of their cannon and musketry. In a few minutes they had set fire to almost every house in town, and began their retreat. Capt. Davis, with a detachment of 125 men, several smaller parties, with a large body of militia, fell upon their rear and flanks, and kept up a continual fire upon them, till they entered Elizabeth-town, which place they reached about sun-set; Stark's brigade was immediately put in motion, on the first appearance of a retreat, which was so precipitate that that they were not able to overtake them.

"The enemy continued at Elizabeth-town Point until twelve o'clock at night, and then began to cross their troops to Staten Island; by six this morning they had totally evacu-

ated the point, and removed their bridge. Major Lee fell in with their rear-guard, but they were so covered by their works, that little or no injury could be done them. He made some refugees prisoners, and took some Tories, which they abandoned to expedite their retreat.

"I have the pleasure to inform your Excellency, that the troops who were engaged, behaved with great coolness and intrepidity, and the whole of them discovered an impatience to be brought into action. The good order and discipline which they exhibited in all their movements, do them the highest honour. The artillery under the command of Lieutenant-colonel Forest was well served. I have only to regret the loss of Captain-lieutenant Thompson, who fell at the side of his piece by a cannon-ball.

"It is impossible to fix with certainty the enemy's loss, but as there was much close firing, and our troops advantageously posted, they must have suffered very considerably.

"I herewith inclose your Excellency a return of our killed, wounded, and missing, which I am happy to find is much less than I had reason to expect, from the heavy fire they sustained.

"I am at a loss to determine what was the object of the enemy's expedition; if it was to injure the troops under my command, or to penetrate further into the country, they were frustrated. If the destruction of this place, it was a disgraceful one. I lament that our force was too small to save the town from ruin. I wish every American could have been a spectator, they would have felt for the sufferers, and joined to revenge the injury.

"I cannot close this letter without acknowledging the particular services of Lieutenant-colonel Barber, who acted as Deputy Adjutant-general, and distinguished himself

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by

by his activity in assisting to make the necessary dispositions.

I have the honour to be, &c.

N. GREENE, Major-gen."

"There were a number of prisoners made, but as they went on to Morris, I had no return of them."

*Return of the killed, wounded, and missing, in the action of the 22d of June, 1780—Springfield.*

Artillery. Killed, 1 Captain, 1 Serjeant. Wounded, 2 matrosses.

Angell's regiment. Killed, 1 Serjeant, 5 rank and file. Wounded, 1 Captain, 3 Subalterns, 3 Serjeants, 25 rank and file. Missing, 3 rank and file.

Shrieve's regiment. Killed, one rank and file. Wounded, 1 Serjeant, 2 rank and file; missing, 2 rank and file.

Dayton's regiment. Killed, 2 rank and file. Wounded, 1 Subaltern, 6 rank and file; missing, 4 rank and file.

Spencer's regiment. Wounded, 1 Serjeant.

Lee's detachment. Killed, 1 rank and file. Wounded, 4 rank and file.

Total. Killed, 1 Captain, 3 Serjeants, 9 rank and file. Wounded, 1 Captain, 4 Subalterns, 5 Serjeants, 37 rank and file, 2 matrosses. Missing, 9 rank and file.

The return of Davis's detachment I could not get, he having marched off the next morning, after the action. The return of the militia I cannot get. They had none killed, but about twelve wounded.

(Signed) F. BARBER, Lieut. Col.  
Published by order of the Congress,

CHARLES THOMSON, Sec.

*To the Gentlemen, Clergy, and Freeholders, of the County of York.*

*Gentlemen,*

I venture once more to make you a tender of my service in Parliament. Give me leave, at the same time, to offer you my cordial thanks for all the indulgencies you have

shown me; and for your kind acceptance of my endeavours to perform the duty I had undertaken. I look upon that partiality and favour as a most honourable testimony, because it proves that you entertain a conviction of the purity of my intentions, sufficient to make you overlook every thing amiss which did not proceed from the will.

In renewing my desire to continue in your service, I think it, however, my duty to confess to you, that it has not been without much serious consideration, and more than common hesitation, that I have determined upon it. I must not omit making you aware, that it is by no means probable I should be able even to perform the mere duty of attendance as punctually as I have hitherto done; especially if the duration of Parliament should prove to be for seven years. By what I have in some degree experienced already, I have no reason to believe so long a continuance of such an attendance would be perfectly consistent with my health.

But there is something more serious I have to say to you on this subject. The satisfaction and honour of attending your business, has ever overbalanced the labour: but my attendance during the last Parliament has been something worse than laborious; it has been discouraging, grievous, and painful. Look back, for a moment, upon the things which have been done, or, (being done) have been approved of, by that body, of which I have been a constituent part. Compare the present with the past situation of public affairs. Whether glory, conquest, and riches; or peace, content, liberty, and the enjoyment of your constitutional rights, be your principal objects—In which of them have you been gratified? I have been, in my collective capacity, a party to all these changes and to all the measures which

which have produced them: supported in this mortifying situation with one only consolation, a very great one indeed to my own mind, that of being able to assure you, that there has been no one measure, of all those which have proved so ruinous and fatal, which I have not, as an individual, resisted, to the utmost of my power. A poor, barren, ineffectual negative; and a miserable claim to your favour, to have failed (as far as my poor and slender efforts are in question) almost in every point regarding those rights and that prosperity which I was specially chosen to cultivate and to maintain.

I return to you, therefore, baffled and dispirited, and I am sorry that truth obliges me to add, with hardly a ray of hope of seeing any change in the miserable course of public calamities.

On this melancholy day of account in rendering up to you my trust, I deliver to you your share of a country maimed and weakened, its treasure lavished and mis-spent, its honours faded, and its conduct the laughing-stock of Europe; our nation in a manner without allies or friends, except such as we have hired to destroy our fellow subjects, and to ravage a country, in which we once claimed an invaluable share. I return to you some of your principal privileges impeached and mangled. And, lastly, I leave you, as I conceive at this hour and moment fully, effectually, and absolutely under the discretion and power of a military force, which is to act without waiting for the authority of the civil magistrates; for it is fit you should know, if you are not already informed, that an order issued in London (at a moment when the violence of the riots and the remissness of the civil magistrate might render necessary an extraordinary and violent temporary exertion of the military) that order, I say, has, as I have good grounds to believe, been extended to

the whole kingdom; where neither of those causes existed in any degree sufficient to justify so decisive and extraordinary a measure; and I do not know of that order being recalled.

In this state of public affairs, and with this account to render of my commission, judge whether I can boldly and cheerfully, or supported by any rational confidence, boast to you as candidates are wont to do, of what I will do, and what I will undertake for your service.

For this reason, avoiding even the usual style of such addresses, and forbearing as well the forward promises as the superficial humbleness of phrase in use on these occasions, I make it a solemn duty to lay before you, without disguise or palliation, the present state of your concerns as they appear to me, and the gloomy prospect which lies before us.

Some have been accused of exaggerating the public misfortunes, nay of having endeavoured to help forward the mischief, that they might afterwards raise discontents. I am willing to hope, that neither my temper, nor my situation in life, will be thought naturally to urge me to promote misery, discord, or confusion; or to exult in the subversion of order, or in the ruin of property. I have no reason to contemplate with pleasure the poverty of our country, the increase of our debts and of our taxes; or the decay of our commerce—Trust not however to my report. Reflect, compare, and judge for yourselves.

But under all these disheartening circumstances, I could yet entertain a cheerful hope, and undertake again the commission with alacrity, as well as zeal, if I could see any effectual steps taken to remove the original cause of the mischief. “Then would there be a hope.”

Till the purity of the Constituent-body; and thereby that of the representative be restored, there is None.

While the electors sell their voices to the member, and the member distresses his fortune to buy them, Parliament will be the purchase of the Minister. Parliament-men will find ways of partaking other advantages than merely their share in common with you, of those good measures which they shall promote, and of those good laws which they shall enact for your government and their own: and the modern-improved arts of corruption, by contracts, subscriptions, and jobs, is attended with this perverse and vexatious consequence; that their benefit is not only unconnected with yours, but it grows upon your distress. They feed on the expence; they fatten on every extravagance that art and ill conduct can engraft on the natural disadvantages of a remote, rash, ill-fated, impolitic, and unsuccessful war. The Minister's direct interest (nay his safety) mean while, requiring him to push the desperate game, and even in self-defence, to encrease that very expence which is his crime; to intrench himself still deeper in corruption, and by headlong and unmeasured extravagance, to have the means of justifying, to the faithful Commons, his former mismanagement and misdeeds.—See where this ends, but forget not where it begins.

I am led here very naturally to speak upon the subject of certain regulations, which have been the object of your late assemblies and deliberations. Indeed, I have brought myself to this matter almost unavoidably, but not unwillingly. I gladly embrace this most public opportunity of delivering my sentiments, not only to all my constituents, but to those likewise, not my constituents, whom yet in the large sense I represent, and am faithfully to serve; not only to twenty thousand, my electors, but to hundreds of thousands in the county I represent, (to go no farther) who are to suffer under the bad conduct

of Parliament; and of declaring my intentions, regarding the two chief articles contained in the resolutions agreed to at your late meetings; I mean, rendering parliaments triennial, and adding to the number of county representatives.

I do not intend to give my voice, if I have the honour of continuing in your service, for the change of septennial parliaments. And this, not because I am so sanguine as some are, in a full persuasion, that it will be a cure for all our evils; no, nor even that I promise myself it will be attended with any such sure hope of considerable advantage, (at least, if unaccompanied by some other steps tending to purify the sources of election and representation) but chiefly, because, on the best information I have obtained, I have reason to believe it is the mind and desire of a very large number of my constituents: this seeming to me to be the one point (at least with distinguished preference) on which the sender, not he who is sent, has the perfect right to judge; and that, even if after all, I should have mistaken their general sense, it will be at least the safer error; since there is a manifest difference between the obtruding one's self for seven years on him who wishes to have his choice again at the end of three; and returning for his appointment at three; when he might perhaps have been well content to trust one for seven.

I have a momentary pleasure in adding (especially when supported by your opinions) that I am willing to flatter myself, rather good than evil may arise from the change.

But I look upon restoring election and representation in some degree (for I expect no miracles) to their original purity, to be that, without which all other efforts will be vain and ridiculous. The tenant-right, or good-will of a lease of three years, is as saleable as that of a lease of seven.

seven. It will find its price at both the London and country markets. It will be bought, it will be sold. The member will be as manageable, if the constituent be as venal. And they will not be afraid to meet at market as often as you please.

The adding to the county representation, if by no means a perfect cure, seems yet to me to be the plainest, and best proposition for this purpose, that has yet come under my observation. I trust, likewise, it may be practicable. I therefore embrace it, not only from a deference to your opinion, but with an approbation of my own. Yet, not flattering you, that it appears to me one of those matters easy of execution, or to be done with a thought; on the contrary, it is more complicated (as it seems to me more effectual) than the first-mentioned alteration. But this is no time to talk of small rubs or difficulties. If something be not done, you may, indeed, retain the outward form of your Constitution, but not the power thereof.

For it is too serious a truth to be concealed, and, indeed, it is too late seriously to attempt to conceal it, that if the Electors, forgetting the solemn duty they owe to the millions of their fellow-subjects, whose rights they are in the first instance intrusted with: if forgetting the sacred trust reposed in them, of choosing those who are to govern those millions; if forgetting that they are therefore a sort of representatives of all the people (who would be too numerous to vote themselves) I say, if forgetting these things, and shamefully prostituting themselves, they are become so profligate as to sell themselves and their country; let them not wonder (nay, scarcely can they complain without shame) if those whom they choose, imitating their conduct, retail daily those rights which they have bought, whether it be at the septennial, triennial, or annual fairs

and markets. We can converse thus without a blush.

Neither time permits, nor does propriety allow me to enter into arguments in support of a sentiment of which (much I think to your honour) you have declared your approbation; but although it suits neither the time nor the circumstance, to argue and debate, I trust you will not think I am out of the line of propriety, of duty, or of the respect I owe you, in thus making a public declaration of my opinions and intentions in matters concerning which, after the tender I have made of my service, you have an unquestionable right, as you must have a natural wish, to be informed.

When I began this paper, I had reason to believe the time pressed; I was soon confirmed in what I had heard. It was become material to address you quickly, if at all; but although what I have written has been the work of a few hours, do not think that the matter has not again and again been the subject of deliberate thoughts; I should not have dared to have presented you with crude and undigested ideas, or the fancy of a moment; but, on the other hand, so inattentive have I been to the advantages this address might receive, in its form, from the assistance of abler persons than myself, that I venture to submit it thus publicly to you, without the opportunity of communicating it to those whose principles, judgment, and line of conduct in the public walk, I have been habituated to look up to with high respect and esteem.

My business is not to write ably to you, but to write with sincerity. The relation that stands now between us, gives you a right, if I may so speak, to my unmodified sentiments; and I willingly submit every defect to your censure, rather than be supposed to use management and art, or to consult what is conformable to personal

personal or party considerations, instead of that which unbridled truth (according to my conception of it) requires of me. What further steps may be in contemplation towards obtaining the laudable object of our wishes, I do not know; but it is not probable that what has lately arisen will slacken the zeal of those who have already stepped forward in the business. With that idea upon my mind, it is impossible for me to conclude without expressing an earnest wish, that whatever is thought of may be pursued with that true spirit of firmness, and moderation, which belongs to the cause of justice; and above all, that by every means that can be devised, a good understanding and union may be insured amongst respectable men of all ranks and descriptions, who agree in the main principles of liberty; although there may be shades of difference in smaller points, or in matters not calling for immediate discussion. Indeed you will find it true wisdom, and a very honourable policy, to strengthen the cause of your country with every honest aid that can be obtained.—No public cause was ever carried by divided efforts.

Till I have the honour of meeting you in the exercise of the great and respectable function of choosing your representatives, I beg leave to subscribe myself, Gentlemen, with perfect respect, and a remembrance of all your kindness,

Your most obliged,  
and faithful humble servant,

G. SAVILE.

*Newcastle-upon-Tyne, Sept. 5, 1780.*

*Bristol, Sept. 6, 1780.*

At a great and respectable meeting of the friends of Edmund Burke, Esq. held at the Guildhall this day,

The Right Worshipful the Mayor  
in the Chair,

Resolved, That Mr. Burke, as a

representative for this city, has done all possible honour to himself as a Senator and a man, and that we do heartily and honestly approve of his conduct, as the result of an enlightened loyalty to his Sovereign, a warm and zealous love to his country, through its widely extended empire; a jealous and watchful care of the liberties of his fellow-subjects; an enlarged and liberal understanding of our commercial interest; a humane attention to the circumstances of even the lowest ranks of the community; and a truly wise, politic, and tolerant spirit in supporting the national church, with a reasonable indulgence to all who dissent from it; and we wish to express the most marked abhorrence of the base arts which have been employed, without regard to truth and reason, to misrepresent his eminent services to his country.

Resolved, That this resolution be copied out, and signed by the Chairman, and be by him presented to Mr. Burke, as the fullest expression of the respectful and grateful sense we entertain of his merits and services, public and private, to the citizens of Bristol, as a man and a representative.

Resolved, That the thanks of this meeting be given to the Right Worshipful the Mayor, who so ably and worthily presided in this meeting.

Resolved, That it is the earnest request of this meeting to Mr. Burke, that he should again offer himself a candidate to represent this city in Parliament, assuring him of that full and strenuous support which is due to the merits of so excellent a representative.

This business being over, Mr. Burke went to the Exchange, and offered himself as a candidate in the usual manner, amidst the acclamations of a vast multitude of people. He was accompanied to the Guildhall, and from thence to the Exchange,



change, by a large body of most respectable gentlemen, amongst whom were the following Members of the Corporation, viz. Mr. Mayor, Mr. Alderman Smith, Mr. Alderman Deane, Mr. Alderman Gordon, William Weare, Samuel Munckley, John Merlott, John Crofts, Levy Ames, John Fisher Weare, Benjamin Loscombe, Philip Protheroe, Samuel Span, Joseph Smith, Richard Bright, and John Noble, Esqrs.

*To the Gentlemen, Clergy, Freeholders, and Freemen of the city of Bristol:*  
Gentlemen,

My general conduct in Parliament, and my humble endeavours to serve the city, and the citizens of Bristol in their particular affairs, having been honoured by the unanimous approbation of a very large and very respectable meeting at the Guildhall this day; in conformity with the desire of that meeting, and under the sanction of their weighty authority, I beg leave to renew to you my humble solicitation for your votes at this election, and the favour of your early appearance at the poll on Friday next; and if I have the honour of being again chosen to represent you, I trust that I shall not shew myself less deserving of your favour than formerly, or less sincerely grateful for it.

I have the honour to be, with the most perfect respect and esteem, gentlemen, your most obedient and most obliged servant,

EDMUND BURKE.

*Bristol, Sept. 6, 1780.*

*Mr. BURKE made the following speech on the hustings at Bristol, when he declined the poll:*

“ Gentlemen,

“ I decline the election. It has ever been my rule through life, to observe a proportion between my efforts and my objects. I have never been remarkable for a bold, active,

and sanguine pursuit of advantages that are personal to myself.

“ I have not canvassed the whole of this city in form. But I have taken such a view of it, as satisfies my own mind, that your choice will not ultimately fall upon me. Your city, gentlemen, is in a state of miserable distraction: and I am resolved to withdraw whatever share my pretensions may have had in its unhappy divisions. I have not been in haste; I have tried all prudent means; I have waited for the effect of all contingencies. If I were fond of a contest, by the partiality of my numerous friends (whom ye know to be among the most weighty and respectable people of the city) I have the means of a sharp one in my hands. But I thought it far better, with my strength unspent, and my reputation unimpaired, to do, early and from foresight, that which I might be obliged to do from necessity at last.

“ I am not in the least surprized, nor in the least angry at this view of things. I have read the book of life for a long time, and I have read other books a little. Nothing has happened to me, but what has happened to men much better than me, and in times and in nations full as good as the age and country that we live in. To say that I am no way concerned, would be neither decent nor true. The representation of Bristol was an object on many accounts dear to me; and I certainly should very far prefer it to any other in the kingdom. My habits are made to it; and it is in general more unpleasant to be rejected, after long trial, than not to be chosen at all.

But, gentlemen, I will see nothing except your former kindness, and I will give way to no other sentiments than those of gratitude. From the bottom of my heart I thank you for what you have done for me. You have

have given me a long term, which is now expired. I have performed the conditions, and enjoyed all the profits to the full; and I now surrender your estate into your hands, without being, in a single tile, or a single stone, impaired or wasted by my use. I have served the public for fifteen years. I have served you in particular for six. What is passed is well stored. It is safe and out of the power of fortune. What is to come is in wiser hands than ours; and he, in whose hands it is, best knows whether it is best for you and me, that I should be in Parliament, or even in the world.

“ Gentlemen, the melancholy event of yesterday reads to us an awful lesson against being too much troubled about any of the objects of ordinary ambition. The worthy gentleman\*, who has been snatched from us at the moment of the election, and in the middle of the contest, whilst his desires were as warm, and his hopes as eager as ours, has feelingly told us, what shadows we are, and what shadows we pursue.

It has been usual for a candidate who declines, to take his leave by a letter to the Sheriffs; but I received your trust in the face of day, and in the face of day I accept your dismissal. I am not—I am not at all ashamed to look upon you: nor can my presence discompose the order of business here. I humbly and respectfully take my leave of the Sheriffs, the candidates, and the electors, wishing heartily that the choice may be for the best, at a time which calls, if ever time did call, for service that is not nominal. It is no plaything you are about. I tremble when I consider the trust I have presumed to ask. I confided perhaps too much in my intentions. They were really fair and upright; and I am bold to say, that I ask no ill thing for you,

when, on parting from this place, I pray, that whoever you choose to succeed me, may resemble me exactly in all things, except in my abilities to serve, and my fortune to please you.”

*To the Gentlemen, Clergy, Freeholders, and Freemen of the city of Bristol*  
Gentlemen,

A very large and most respectable meeting of the principal citizens of Bristol did, by an unanimous vote, authorise me to offer myself once more to your service. My deference to that authority was my sole motive for giving you one moment's trouble. On my canvass, so far as it has proceeded, I found that my pretensions were well received, and even with a degree of warmth in many of the electors. But on a calm and very deliberate view of the state of the city, I am convinced that no other consequence can be reasonably expected from my continuing a candidate, than a long, vexatious, and expensive contest. Conscious, that no difference between my service and that of any other man, can be worth the inconveniences of such a struggle, I decline the election.

I return you my best thanks for having at any time, or for any period, condescended to think of me for your representative. I have done my duty towards you, and towards the nation, as became me. You dispose of the future trust (as you have a right to do) according to your discretion. We have no cause of complaint on either side. By being returned into the mass of private citizens, my burthens are lessened, my satisfactions are not destroyed. There are duties to be performed, and there are comforts to be enjoyed in obscurity, for which I am not without a disposition and relish. I am sure there is nothing in the retrospect of my public conduct, which

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\* Mr. Combe.

is likely to disturb the tranquillity of that situation, to which you restore me.

I have the honour to be, with the utmost possible respect, gentlemen, your much obliged, and most obedient humble servant,

EDMUND BURKE.

*Bristol, Saturday morning,*

*Sept. 9, 1780.*

*From the Madrid Gazette of Aug. 30,*

*Published by authority.*

In Admiral Don Luis de Cordova's letter of the 12th instant, giving an account of his having captured a very valuable English convoy, are inserted the following particulars :

That\*on the morning of the 8th and 9th, about one o'clock, a signal gun was fired to windward, which from the faintness of the report, was judged to be at a considerable distance, and its particular indication rendered uncertain from there having been no account kept of the several discharges.

Not doubting, however, but it would be shortly repeated (as accordingly happened) and it proving to be the signal for a strange sail, the Admiral tacked and stood with the whole Squadron towards that quarter, regulating his manœuvres so as to be able to come up with the strange shipping aforesaid by break of day. Accordingly at dawn, being then a quarter past four, one of these vessels was descried, and a great number of others successively, the whole close together, and bearing for the Squadron, occasioned by their mistaking the Admiral's top-lights for those of their convoy.

The Admiral inferring them to be an enemy, fired several guns at some of the vessels that were already making off, and having brought the Squadron about, gave the signal for a general chase, and to man the different prizes; in consequence of which speedy disposition, 36 of the above

vessels were surrounded, at five in the morning, by sixteen ships of the Squadron, which took immediate possession of them.

That notwithstanding a sudden mist came on at the time, which obscured such of the vessels as were escaping, the chase was nevertheless duly continued; the ships taken proving to be part of a convoy which sailed from Portsmouth the 29th of July, escorted by the Ramillies of 74 guns, and the Thetis and Southampton frigates of 36, which ships being the sternmost and to windward, immediately hauled their wind, but were closely pursued by the Squadron under M. de Beaufset, and several other ships, though without effect, on account of their having already gained the weather gage, and their great superiority in sailing—M. de Beaufset, adopting therefore the most eligible measure, bore for the merchantmen, then steering to the S. W. which, having intercepted the prizes taken by the rest of the Squadron, (together with the thirty-six aforementioned) amounted to fifty-one in number, none of this convoy escaping, but a small brig to the eastward, and six or seven others, which were greatly to windward, whilst M. de Beaufset was in pursuit of the men of war. Don Luis de Cordova, adding, however, that he hopes several of these will have been intercepted (as is the case) and in particular one, chased by the Nereyda frigate, and other ships a-stern.

Don Luis de Cordova further adds, that exclusive of the five East-India ships captured, he is assured by the several English masters of ships, and merchants, that this convoy is the most valuable, though not numerous perhaps, which has sailed from England for many years past—and the Admiral, in conclusion observes, that though nothing has been wanting on his part towards promoting his Majesty's service on this occasion, yet

that the acquisition of this immense riches is to be chiefly assigned to an effect of the Divine will; it being however matter of the sincerest satisfaction to him, that an expedition of such great importance has been so effectually frustrated, as well with respect to the enemy's loss of troops for the East and West-Indies, as the abundance of provisions, and all sorts of naval stores destined for the English Squadron and settlements in North America.

In the afternoon of the 10th, every thing was regulated respecting the convoy, which, being put under the command of Rear-admiral Don Vincente Doz, with a sufficient escort, the whole proceeded on their way to Cadiz, where they arrived the 20th, having been joined on their way by another prize, taken by his Majesty's ship *Lion*; and the three other prizes, named in our last, having been also carried in there, the total of vessels captured amounts to 55.

#### *Philadelphia.*

On Tuesday the 4th of July, being the anniversary of American Independence, a commencement for conferring degrees in the arts was held in the hall of the University, when the following gentlemen were invested with the honours of the institution:

#### *Bachelors of Arts.*

John Bleakley, John Caldwell, Peter Chevalier, James Gray, Samuel Griffiths, Benjamin Morris, Joseph Rush, Samuel Sitgreaves.

#### *Bachelors of Physic.*

William W. Smith, Ebenezer Crosbie,

#### *Doctor of Physic.*

The Hon. David Ramsey, Esq.

#### *Masters of Arts.*

Rev. Rob. Davidson, Rev. Tho. Read, Mr. J. Davidson, Rect. Rev. W. Marshall, Rev. John C. Kuntze, Rev. Caspar Welberg, Rev. Henry Mulenberg, Rev. Hen. Helmouddth, Mr. Thomas Paine.

The order of the commencement was as follows:

1st. Salutatory oration on the advantages of a liberal education: by Mr. Bleakley.

2d. Oration on the love of fame: by Mr. Sitgreaves.

3d. A forensic disputation on the question—"Is it lawful to enslave the Africans, with their posterity?" Messrs. Gray and Caldwell maintained the rights of the Blacks to equal privileges with their fellow-creatures, in a masterly manner, and were opposed by Messrs. Bleakley and Sitgreaves, in ingenious performances.

4th. A dialogue in blank verse, composed for the occasion, with vocal and instrumental music, at proper periods. The parts supported by Messrs. Caldwell, Sitgreaves, and Chevalier, in the characters of Theron, Felix, and Ardentio.

5th. Conferring the degrees by the Provost.

6th. Valedictory oration on patriotism, in which the Honourable Congress and House of Assembly were particularly addressed: by Mr. Caldwell.

7th. Charge to the Graduates: by the Provost.

8th. The whole was introduced and concluded with a prayer: by Doctor Ewing.

A band of musicians, which ushered the Trustees, Faculty, and Graduates into the hall, and playing, at proper intervals, between the performances, had a fine effect, and contributed greatly to the entertainment of the audience.—The Seminary was honoured with the presence of his Excellency the President and Members of Congress, his Excellency the President of the State, and Supreme Executive Council; his Excellency the Chevalier de la Luzerne, Minister Plenipotentiary from the Court of France to these States, and his family; the Public Boards; persons of distinction, both strangers and

and citizens; and a crowded and brilliant audience; all of whom expressed the highest marks of approbation of the behaviour and abilities of the Graduates, and of the good order and decorum with which the whole was conducted. Some compliments paid the French alliance, by the Speakers, occasioned the thanks of the Minister to be given, by Monsieur Marbois, his Secretary.

*The charge of the Provost to the Students of the University, graduated the 4th of July, 1780, at Philadelphia.*

Gentlemen,

Although I have not had the pleasure of conducting that course of study, and of superintending that education, which has entitled you to receive the first honours of the University of Pennsylvania; yet, I trust, that your future conduct in life will give me reason to reflect upon it with peculiar satisfaction, that the patrons of science in this State have made me the instrument of conveying to you those marks of distinction and approbation, which your literary accomplishments have deserved.

I cannot but congratulate you on this auspicious day, which, amidst the confusions and desolations of war, beholds learning beginning to revive, and animates us with the pleasing prospect of seeing the sacred lamp of science burning with a still brighter flame, and scattering its invigorating rays over the unexplored deserts of this extensive continent; until the whole world be involved in the united blaze of knowledge, liberty, and religion.

When I stretch my views forward, and survey the rising glories of America, the enriching consequences of our determined struggle for liberty, the extensive fields of intellectual improvement and useful invention, in science and arts, in agriculture and commerce, in religion and government, through which the un-

fettered mind will range, with increasing delight, in quest of the undiscovered treasures, which yet lie concealed in the animal, vegetable, and mineral kingdoms of this new world; or in the other fertile sources of knowledge, with which it abounds; my heart swells with the pleasing prospect that the sons of this institution will distinguish themselves, in the different walks of life, by their literary contributions to the embellishment and increase of human happiness.

And I cannot but flatter myself, that the ardent thirst for useful knowledge, which you have discovered, the happy foundation for its gratification, which is laid in your academic instruction, added to the natural abilities you possess, will spur you on to still higher improvements in science, place you amongst the most distinguished sons of this institution, and give your country reason to look up to you as the future supporters and guardians of her liberties.

Your academic studies being finished, you are now about to launch out into life, the business of which is serious and infinitely important. The dangers arising from the precipitancy of youth, the allurements of pleasure, the envy of little minds, and the unbridled licentiousness of passion, are truly alarming; at the same time, that the expectations which your superior opportunities of improvement have raised in the breast of all who know you, loudly call for a proportionable dignity of conduct and extensive usefulness. No order of rational beings was brought into existence wholly for pleasure and amusement, but to fill some useful place, and answer some important end, in the extensive scheme of the beneficent Creator. It is, therefore, evidently the interest, wisdom, perfection, and happiness of every rational creature, that he perform the

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duty

duty of his appointed station with diligence and fidelity. Much, very much, my young gentlemen, will be expected of you.

The honour of this institution, which now attracts the attention of the public, and commands the warmest wishes of every friend of learning and liberty in this and the neighbouring States, is intimately concerned in the figure you will make in life, and it will travel with anxiety until it see you formed into men of respectable characters and extensive usefulness. You are stepping into life in an age of knowledge and enquiry, and at a period the most important in the annals of America; when every principle of virtue, every sacred tie of honour, interest, and gratitude, and every exalted sentiment of love to God and man, conspire to demand of you the utmost exertions, application, diligence, and activity. *Shall the free-born sons of America, in the field, sustain, almost without a complaint, the unrelenting rigour of Summer and Winter campaigns; and, animated with an extinguishable love of liberty and their country, oppose the arbitrary demands, and the unequalled barbarities of British tyranny; and shall the filken sons of science bury their distinguished talents, and lock up their active powers in a scandalous inaction, fondly imagining that they are excused from taking any share in the glorious struggle?* Shall they tamely look on with unfeeling hearts, when America is engaged in a cause of such magnitude, as has roused the attention of all Europe, and has excited one of its Most Illustrious Monarchs, with unequalled magnanimity, to take these infant States by the hand, to support us against the rage of disappointed ambition, and to share in our dangers and expences? *ambitious of the honour of an early appearance in the defence of the injured liberties of America, and the*

inalienable rights of human nature? I know that your youthful hearts would swell with an honest indignation at the ungenerous thought. *I know that you esteem it the highest honour the heart of man can aspire to, (on this side of Heaven) to be improved by an over-ruling Providence, as instruments either in procuring or supporting the freedom and happiness of your country.*

When your country therefore calls so loudly, for every vigorous exertion, in support of her violated rights and liberties; when you see the restless spirit of domination at work, either plotting, in its dark cabals, against the sacred interests of liberty, or openly invading, with lawless force, the essential rights of human nature; when you see the hideous form of tyranny and oppression stalking through the ranks of war, and marking its steps with every species of the most wanton devastation and murder; while the crouching spirit of slavery and sordid attachment to private interest, is either tamely submitting to the ignominious yoke, or, with an unnatural hand, employed against the freedom and independence of fellow citizens, is industriously reverting the shackles of despotism on the free-born sons of America; you cannot but be nobly roused. *You cannot but be all eye, all ear, all heart, and all hand, in a cause so glorious.* You will cry aloud and spare not, fearless of personal danger, undaunted by disaffected opposition, and equally regardless of the frowns of lawless power, and the machinations of secret villainy! Let the world know, that with the first rudiments of your education, you have imbibed the unconquerable spirit of liberty, an irreconcilable aversion to slavery of every kind, and an inviolable attachment to your country. *While she is struggling for her liberty, with a spirit unbroken by her misfortunes,*  
and

and gradually rising superior to the sinking power of her adversary, I trust, that you will never disgrace, by a supine indifference, the sublime lectures of morality you have received in this place, from one of the ablest instructors that America has ever known, and one of the brightest luminaries that ever shone upon this Western World. He is now gone to rest, but has left behind him the most encouraging example of undeviating rectitude, of indefatigable application to study, of unremitting fidelity in the laborious business of instruction, of unshaken zeal for the welfare of his country, and of an heart glowing with an ardent desire to promote the interest of religion and learning over this once uncultivated Continent. While his memory shall continue to endear you, which I trust will be till your latest breath, you will be animated by so bright an example, to a life of virtuous activity, and of vigorous exertion, to diffuse the salutary influence of your liberal education, in the promotion of human happiness, through the different spheres in which you will move in life.

And O! let it be your ambition to have this sphere of usefulness continually widening as you pass through life; while you are employed in relieving the distressed, protecting the innocent, discouraging vice, promoting the interest of virtue and religion, and thereby diffusing joy and happiness to all around you: until, like the resplendent source of a day, you set, without a cloud, to rise in a brighter world; where you will be employed in more exalted stations, and more extensive services. And never let this thought slip out of your minds; that you are made for an eternal duration; for glory, honour, and immortality; for which you are now to be trained up, during your minority, by a course of virtuous activity and religion; that you

are accountable immortals; and that the day will certainly come when you must appear before the infallible Judge of moral worth, and give an account for all the privileges of your education, all your opportunities of intellectual improvement, and all your capacities of private and public usefulness. And O! let the conscious satisfaction of meriting the esteem of the wise and good in the world, the joyful expectation of meeting with the plaudit of approving angels, and, what is of infinitely more importance, the assured hope of the Divine approbation, animate you to the most determined abhorrence of the intoxicating charms of indolence and pleasure, and the most vigorous exertions of all your active powers in the service of your God and your generation. If there is ought on earth, that is suited to the native greatness of the human mind, or the dignity of an Heaven-born spirit, it must be, in imitation of the benevolent Author of our divine religion, to go about doing good, filling up life with a series of the most beneficent conduct.

Would you then aspire after this exalted honour; and certainly a more god-like principle never actuated the human heart; permit me to remind you, that the foundation is only laid, the superstructure must be committed to your own future study and diligence, to expand and improve the principles you have imbibed in your education, until your careful cultivation of them render them the source of a conduct, distinguished for its extensive usefulness and beneficence. Having had the advantage of an early introduction into the fundamental principles of a great variety of useful knowledge, through the whole circle of the sciences, it is now your business to take care that you be so far from losing the stock you have acquired, that you be constantly adding to the treasure,

treasure, until you gain a facility and readiness in employing your fund of knowledge for the entertainment and instruction of others, as well as for the enriching and aggrandizing of your own minds. Remember, that young gentlemen having just finished their academic education, are apt to run into the egregious error of imagining, that they have mastered the whole circle of science, merely from their ignorance of its vast extent, and their having no conceptions of what unbounded tracts of knowledge lie far beyond all they have already learned, nay, possibly beyond the reach of human sagacity; and hence, by neglecting their future studies, they continue insufferable smatterers through life, knowing nothing to any valuable purpose. The design of a collegiate education, was not to make you masters of any one branch of science, but rather to open the mind to receive the first principles of various knowledge; to furnish it with the instrumental sciences; and to habituate it to application, and a ready exertion in all kinds of future researches; but especially in that profession which the student chuses for life, with which he ought to be completely acquainted, and in which every principle of honour, virtue, interest, and duty, should engage him to excel.

But if you are ambitious that the world should recognize you as blessings to mankind, and transmit your names with honour to posterity, you must remember that there is another qualification essentially necessary, and infinitely more important than all the learning of the schools; I mean an unbounded and extensive benevolence of heart and temper, which excludes none from your regards, on account of their difference of sentiment, age, condition, character, or nation; and to which it is a sufficient recommen-

dation, that it is a fellow-creature that needs your assistance, a rational being, the workmanship of the same Almighty hand that created yourselves, and who, for aught you know, may be your inseparable companion, through all the variety of untried beings in a future state. This will make you good angels to mankind, and derive upon you the blessing of them that are ready to perish. This will make you valuable and useful members of society, endear you to the affections of all the wise and good among mankind, and render you more illustrious and honourable than a Cæsar or an Alexander, when adorned with the spoils of conquered nations.

I have only another sentence to add, in behalf of the University of Pennsylvania. While she is looking forward to the day, when you will rise into importance, to supply the places of these exalted characters, who have borne the burden and heat of the day, and have distinguished themselves by an unshaken attachment to the interests of learning and their country; she hopes to find you a continued affection to you *Alma Mater*, whose free spirit does not permit her to bind you, with the unnecessary ties of oaths and promises: but rather trusts to the generosity of your nature, and the force of those principles in which you have been instructed; not doubting but, that *while the sons of freedom in America shall celebrate, in each revolving year, the glorious Anniversary of their Independence and Emancipation from British tyranny, you will recognize, with gratitude, your obligation to her, who has, on that auspicious day, distinguished you with her first and freshest laurels.* Our warmest wishes for your future prosperity and eminence follow you; and with the sincerest affection we commend you to the grace of God, who is able to pre-  
serve



serve you from falling, and reward your fidelity in his service, with a crown of unfading glory.

The business of the day was conducted with the greatest propriety and decorum; and the young gentlemen exhibited an agreeable specimen of their abilities, and performed their respective parts to the very great satisfaction of the audience.

#### A PROCLAMATION.

*By his Excellency JOSEPH REED, Esq. President of the Supreme Executive Council of the Commonwealth of Pennsylvania.*

Whereas the Honourable House of Assembly did, in their late sessions, pass an Act, intitled, "An Act for procuring an immediate supply of provisions for the Federal Army, in its present exigency;" under which Commissioners were appointed in several counties within this State, to procure cattle, sheep, and salted provision, with all possible dispatch. And it was declared by the same Act, that it should be lawful for the President or Vice-president in Council, by proclamation, to suspend the several powers and authorities therein granted, when the circumstances of the army should, in their judgment, admit thereof. And whereas the supplies of the above articles are now sufficiently ample to justify the suspension of the said purchases, and all further proceedings under the said Act, at this time: whereupon, in pursuance of the powers so vested in us, we have thought proper to issue this our Proclamation, for the purpose aforesaid, to which the said Commissioners, and all others concerned, are required to conform and govern themselves accordingly. And we do further require the said Commissioners, with all convenient speed, to make report of the purchases by them made, under the said Act, and to return to the Secretary of our Supreme Council the ungranted certificates remaining in their hands,

Given, by order of the Council, under the hand of his Excellency Joseph Reed, Esquire, President, and the seal of the State, at Philadelphia, this fifth day of June, in the year of our Lord one thousand seven hundred and eighty.

JOSEPH REED, President.  
Attest, T. MATLACK, Secretary,  
God save the people,

#### *State of Massachusetts-Bay.*

*In the year of our Lord one thousand seven hundred and eighty.*

An Act to incorporate and establish a society for the cultivation and promotion of the arts and sciences.

As the arts and sciences are the foundation and support of agriculture, manufactures, and commerce; as they are necessary to the wealth, peace, independence, and happiness of a people; as they essentially promote the honour and dignity of the government which patronizes them, and as they are most effectually cultivated and diffused through a state by the forming and incorporating of men of genius and learning into public societies, for these beneficial purposes,

Be it therefore enacted, by the Council and House of Representatives, in General Court assembled, and by the authority of the same, that the Hon. Samuel Adams, Esq. Hon. John Adams, Esq. John Bacon, Esq. Hon. James Bowdoin, Esq. Rev. Charles Chauncey, D. D. Rev. John Clark, David Cobb, Esq. Rev. Sam. Cooper, D. D. Hon. Thomas Cushing, Esq. Hon. Nathan Cushing, Esq. Hon. William Cushing, Esq. Tristram Dalton, Esq. Hon. Francis Dana, Esq. Rev. Samuel Deane, Rev. Perez Fobes, Rev. Caleb Gannet, Hon. Henry Gardner, Esq. Mr. Benjamin Guild, Hon. John Hancock, Esq. Hon. Joseph Hawley, Esq. Edward Augustus Holyoke, Esq. Dr. Ebenezer Hunt, Jonathan Jackson, Esq. Dr. Charles Jarvis, Rev. Samuel Langdon, D. D. Hon.

Hon. Levi Lincoln, Esq. Rev. Daniel Little, Rev. Elijah Lothrop, John Lowell, Esq. Rev. Samuel Mather, D. D. Samuel Moody, Esq. Hon. Andrew Oliver, Esq. Dr. Joseph Orne, Dr. Theodore Parsons, Hon. George Partridge, Esq. Hon. Robert Treat Paine, Esq. Rev. Philip Pason, Samuel Philips, jun. Esq. Hon. John Pickering, Esq. Hon. Oliver Prescott, Esq. Rev. Zedekiah Sanger, Hon. Nathaniel Peaslee Sergeant, Esq. Micajah Sawyer, Esq. Theodore Sedgwick, Esq. Hon. William Sever, Esq. Stephen Sewall, Esq. Hon. David Sewall, Esq. John Sprague, Esq. Ebenezer Storer, Esq. Caleb Strong, Esq. Hon. James Sullivan, Esq. Dr. John Bernard Sweat, Mr. Nathaniel Tracy, Cotton Tufts, Esq. Hon. James Warren, Esq. Rev. Samuel West, Rev. Edward Wigglesworth, Rev. Joseph Willard, Rev. Samuel Williams, Rev. Abraham Williams, Rev. Nehemiah Williams, and Mr. James Winthrop, be, and they hereby are, formed into, constituted, and made a body politic and corporate, by the name of the American Academy of Arts and Sciences; and that they and their successors, and such other persons as shall be elected in the manner hereafter mentioned, shall be and continue a body politic and corporate, by the same name, for ever.

And be it further enacted, by the authority aforesaid, that the Fellows of the said Academy may, from time to time, elect a President, one or more Vice-presidents, one or more Secretaries, and such other officers of the said Academy as they shall judge necessary or convenient; and they shall have full power and authority, from time to time, to determine and establish the names, number, and duties of their several officers, and the tenure or estate they shall respectively have in their office; and also to authorize and empower their President, or some other Fellow of the Acad-

my, at their pleasure, to administer such oaths to such officers as they shall appoint and determine, for the well ordering and good government of the said Academy, provided the same be not repugnant to the laws of this State.

And be it further enacted, by the authority aforesaid, that the Fellows of the said academy shall have one common seal, which they may make use of in whatever cause or business shall concern the Academy, or be relative to the end and design of its institution; and shall have power and authority, from time to time, to break, change, and renew the common seal, at their pleasure; and that they may sue and be sued, in all actions, real, personal, and mixed, and prosecute and defend the same unto final judgment and execution, by the name of the President and Fellows of the American academy of arts and sciences.

And be it further enacted, by the authority aforesaid, that the Fellows of the said Academy may, from time to time, elect such persons to be Fellows thereof, as they shall judge proper; and that they shall have full power and authority, from time to time, to suspend, expel, or disfranchise, any Fellow of the said academy, who shall, by his conduct, render himself unworthy of a place in that body, in the judgment of the academy; and also to settle and establish the rules, forms, and conditions of election, suspension, expulsion, and disfranchisement.

Provided that the number of the said Academy, who are inhabitants of this State, shall not, at any one time, be more than two hundred, nor less than forty.

And be it further enacted, by the authority aforesaid, that the Fellows of the said Academy shall have full power and authority, from time to time, to make and enact such reasonable rules, orders, and bye-laws, not repugnant

repugnant to the laws of this State, as shall be necessary or convenient for the well ordering and good government of the said Academy, and to annex reasonable pecuniary fines and penalties to the breach of them, not exceeding the sum of twenty pounds, to be sued for and recovered in any court of record within this State, in the name and for the use of the President and Fellows of the said Academy; and the same rules, orders, and bye-laws to repeal at their pleasure; and also to settle and establish the times, places and manner of convening the Fellows of the said Academy; and also to determine the number of Fellows which shall be present, to constitute a meeting of the said Academy. Provided that the Fellows of the said Academy shall meet twice in a year at the least; and that the place of their meeting shall never be more than thirty miles distant from the town of Boston.

And be it further enacted, by the authority aforesaid, that the Fellows of the said Academy may, and shall forever hereafter be deemed capable in the law of having, holding, and taking in fee, simple, or any less estate, by gift, grant, devise, or otherwise, any lands, tenements, or other estate, real and personal.

Provided that the annual income of the said real estate shall not exceed the sum of five hundred pounds, and the annual income or interest, the said personal estate shall not exceed the sum of two thousand pounds, all the sums aforementioned in this act to be valued in silver, at the rate of six shillings and eight-pence by the ounce.

And the annual interest and income of the said real and personal estate, together with the fines and penalties aforesaid, shall be appropriated for premiums to encourage improvements, and discoveries in agriculture, arts, and manufactures,

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or for other purposes consistent with the end and design of the institution of the said Academy, as the Fellows thereof shall determine.

And be it further enacted, by the authority aforesaid, that the end and design of the institution of the said Academy is, to promote and encourage the knowledge of the antiquities of America; and of the natural history of the country, and to determine the uses to which the various natural productions of the country may be applied; to promote and encourage medicinal discoveries; mathematical disquisitions; philosophical enquiries and experiments; astronomical, meteorological, and geographical observations; and improvement in agriculture, arts, manufactures, and commerce; and, in fine, to cultivate every art and science which may tend to advance the interest, honour, dignity, and happiness of a free, independent, and virtuous people.

And it is further enacted, that the place where the first meeting of the Fellows of the said Academy shall be held, shall be the Philosophical Chamber, in the University of Cambridge; and that the Hon. James Bowdoin, Esq. be, and he is hereby authorized and empowered to fix the time for holding the said meeting, and to notify the same to the Fellows of the Academy.

(This act passed May 4, 1780.)

True copy.

Attest,

JOHN AYERY, Dep. Sec.

*By his Excellency THOMAS JEFFERSON, Esq. Governor or Chief Magistrate of the Commonwealth of Virginia.*

Whereas the General Assembly by their act, intituled, an Act for the Protection and Encouragement of the Commerce of nations acknowledging the Independence of the United States of America, have authorized the executive to receive

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and

and admit into this Commonwealth a Consul or Consuls of any State, which shall have acknowledged the independence of the United States of America, have given them jurisdiction to determine all controversies between the subjects or citizens of their own State, and exempted them from all personal services required from the citizens of this Commonwealth; and further to prove their regard to justice, and the interests of those in amity with them, have provided a summary mode of decision for all controversies arising between citizens of this Commonwealth and subjects or citizens of any State so acknowledging their independence, and more effectual means for preventing the desertion of sailors, seamen or marines from the vessels of such States; and his Most Christian Majesty, our great and good ally, having been pleased, after declaring and supporting our independence, farther to manifest his willingness to cultivate friendship, commerce, and free intercourse with these States, by establishing Consuls to be resident therein, and hath appointed the Sieur Chevalier D'Anmours, to exercise that office within this Commonwealth: I have therefore thought fit, by and with the advice of the Council of State, to declare that the said Chevalier D'Anmours is received and admitted within this Commonwealth, as Consul on the part of his Most Christian Majesty, and that he is entitled to all the exemptions, prerogatives, and jurisdictions belonging to the said office; and hereby do notify and promulgate the premises, strictly charging and enjoining all good citizens of this Commonwealth, and all subjects to his Most Christian Majesty, and others within the same, duly to respect the prerogatives and jurisdiction of the said Consul established by law, as they will answer the contrary at their peril.

Given under my hand, and the seal of the Commonwealth, and in

the fourth year of the Commonwealth, and in the year of Our Lord, one thousand seven hundred and seventy-nine.

THOMAS JEFFERSON.

*From the South Carolina Gazette, dated Charleston, July 27, 1780.*

*By the Right Honourable CHARLES Earl CORNWALLIS, Lieutenant-General of his Majesty's Forces, &c.*

#### A P R O C L A M A T I O N .

Whereas a memorial hath been presented unto me by sundry persons, who have been heretofore concerned in carrying on the trade and merchandize of this province, setting forth, "That, in consequence of their former dealings, they are indebted unto several merchants and manufacturers in Great-Britain, in large sums of money, which they are anxious to discharge as fast as possible, and that there are now in this province, over and above what will be wanted for the consumption of the army and inhabitants, several thousand barrels of rice, and also other usual articles of produce, to a very considerable amount, which, if they are permitted to be shipped to Great-Britain, would be applied to that purpose, but if detained in the country, will, from their perishable nature, greatly diminish in value." And they have therefore prayed, that I would grant them my permission to export the same to Great-Britain, under such regulations and restrictions, as may be thought fit to be established. And whereas, upon due consideration, it hath appeared to me, that it will be fit and expedient to grant the prayer of the said memorial, I do, by this my Proclamation, notify and declare, that permission will from henceforth be granted to his Majesty's faithful and loyal subjects, to export to Great-Britain or Ireland, for the purpose above mentioned, so much of the rice now remaining in the country, and also such other articles of pro-

duce as may be lawfully exported; and will not be wanted for the use of the army, navy, or inhabitants; subject nevertheless unto, and under such rules, regulations; and restrictions, as it hath been found necessary to substitute and superadd to those specified and directed by the Proclamation issued by his Excellency Sir Henry Clinton on the 27th day of May last. And all masters of vessels, and other persons, are hereby cautioned against receiving on board any merchandize or effects which may belong to prisoners, either upon parole or under confinement, or to any others whatsoever, except his Majesty's loyal subjects, as their vessels thereby will be rendered liable to confiscation, and themselves to other forfeitures and punishments, which will be levied and insisted with the rigour so criminal a conduct doth deserve.

Given under my hand, at Charles-town, the twenty-second day of July, Anno Dom. one thousand seven hundred and eighty, and in the twentieth year of his Majesty's reign.

CORNWALLIS.

By his Lordship's command,  
A. Ross, Aid-de-Camp.

#### SOUTH CAROLINA.

*By the Right Honourable CHARLES Earl CORNWALLIS, Lieutenant-General of his Majesty's Forces, &c.*

#### A PROCLAMATION.

Whereas it hath been represented unto me, that some of the inhabitants of this province have endeavoured to dispose of great part of their property, and intended to remove with their effects out of the limits of his Majesty's government, whereby the merchants in Great-Britain, and other lawful creditors, may be greatly injured and defrauded of the just debts which are due to them; and, for many other reasons, the same ought not at present to be permitted: I do therefore, by this

my Proclamation, strictly forbid all persons whatever, from selling or disposing of, or from offering to sale or disposal, any lands, houses, or negroes; without having first obtained a licence so to do from the Commandant of Charles-town, who, in fit and reasonable cases, will grant the same; and all houses, lands, or negroes, which shall hereafter be sold or otherwise disposed of, without such licence, will be seized and sequestered. And whereas the privileges and advantages incident to the trade and commerce which is carried on in this province, are by law limited to, and ought to be exclusively enjoyed by, his Majesty's liege and faithful subjects; yet, nevertheless, persons who are prisoners have presumed to interfere therein, and have opened shops for the purpose of carrying on trade and commerce in Charles-town; all such persons are hereby cautioned against continuing such practices; and if, in future, they do not desist therefrom, their goods and merchandize will be seized and forfeited; and all auctioneers and vendue masters, or other persons, are hereby strictly enjoined from carrying on any trade, or selling or disposing of any goods, wares, or merchandize, on account of, or for the benefit of such persons, upon pain of having their licence taken from them, or being otherwise dealt with, according to the nature of the case. Provided nevertheless, that nothing is hereby to be construed to extend to prevent bakers, butchers, or any handicraft tradesman, manufacturer, or labourer, from exercising or carrying on their usual and accustomed occupations and employments. And as sundry persons may clandestinely withdraw themselves from this province, to the prejudice of his Majesty's service, and injury of their lawful creditors, I do hereby, in the most strict manner, prohibit and forbid all masters of transports, or other vessels

vessels employed in his Majesty's service, from receiving on board, or carrying away any persons whatever, either white or black, except the crew they brought with them, unless they shall receive a written passport or permission from the Commandant at Charles-town for that purpose. And the more effectually to prevent the same being done in the vessels employed in the trade and commerce of the country, the masters of all such vessels are hereby ordered to comply with the directions specified in two acts of the General Assembly of this province, the one entitled, "An act for the entry of vessels;" and the other, "An additional act to an act for the entry of vessels," upon pain of being prosecuted for the penalties inflicted by the said acts, in case of their neglect or refusal.

Given under my hand at Charles-town, the twenty-fifth day of July, Anno Dom. one thousand seven hundred and eighty, and in the twentieth year of his Majesty's reign.

CORNWALLIS.

By his Lordship's command,  
A. Ross, Aid-de-Camp.

*From the LONDON GAZETTE.*

*Whitehall, September 30, 1780.*

By Brigadier-general Dalrymple, who arrived from New-York in his Majesty's ship Virginia, the 25th instant, dispatches have been received from General Sir Henry Clinton to Lord George Germain, one of his Majesty's Principal Secretaries of State, of which the following are extracts:

*Extract of a letter from Sir HENRY CLINTON, K. B. to Lord GEORGE GERMAIN, dated New-York, Aug. 14, 1780.*

I had the honour to inform your Lordship in my last of my arrival from Charles-town, and of the position in which I had placed the troops four miles in front of King's-bridge defences.

My advices from your Lordship had given me cause to expect a French armament; and intelligence, which I communicated to Admiral Arbuthnot, had convinced me that their first destination was Rhode-Island. I, in consequence, solicited that transports for 6000 men might be in full readiness to receive troops, should early intimation of the enemy's arrival invite to enterprize against them.

On the 5th of July some ships of war fell in with the French fleet off Cape Henry; and on the 8th the Admiral received information of it. The 13th Admiral Graves arrived.

On the 18th, by a courier from the east end of Long-Island, the first intelligence was received of the arrival on the 10th, of the French off Rhode-Island, which I transmitted immediately to Admiral Arbuthnot.

In the hope that I might yet be in time to undertake something offensive against the enemy, either by a land attack solely, or, if the Admiral should have found it adviseable, a joint attempt with the fleet, I determined, as speedily as possible, to put a body of troops afloat in the Sound, ready for operation to the eastward, if further information should warrant it, and not too distant to return rapidly, and act against the rebel army, should they, in my absence, form an enterprize against these posts.

Many causes transpired to retard the arrival of transports at Frogs-neck, from which place my embarkation was only effected the 27th. During this time all hopes of success from a coup-de-main were of course waited away.

The Camilla and Amphitrite, which were appointed to convoy us, joining the same day, I proceeded with the transports to Huntingdon Bay, where I was honoured with such accounts from the Admiral, of the attention the enemy had given to fortify themselves, that I no longer entertained

entertained an idea of making any attempt solely with the troops. I cannot judge what might have been expected from a joint operation; but I presume that, in the aspect affairs bore at that time, it was not to be undertaken with propriety.

On the 31st therefore I returned to Whitestone, where I disembarked the troops, keeping the transports in readiness to receive them again, if necessary; and the army encamped near the shore.

During the time Washington by a rapid movement, had, with an army increased to 12,000 men, passed the North River, and was moving towards King's-bridge, when he must have learned that my armament had not proceeded to Rhode-Island. He (I apprehend in consequence of this) recrossed the river, and is now near Orange-town.

The Admiral is near Gardiner's Island, to which place I shall, if possible, proceed to confer with him and his officers, that if any thing can be done by the fleet, the secondary assistance of the land forces may be given; for it is no longer in my power, with my present numbers and resources, to think of any deliberate undertaking as principal, against the united force of the French and the rebels, in a post which 3500 British were able to maintain, in a meaner posture of defence, against 18,000 men, and a very powerful fleet.

*Extract of a letter from Sir HENRY CLINTON to Lord GEORGE GERMAIN, dated East-hampton, Suffolk county, Long-Island, August 20, 1780.*

I have the satisfaction of communicating to your Lordship an instance of courage, which reflects the greatest honour on a small body of the refugees.

About seventy of them had taken post on a part of the opposite shore on the North River, called Ball's-ferry, where they had fortified themselves

with a blockhouse and blockade, to be protected in cutting wood; the labour they were employed in for their maintenance.

A corps of near two thousand rebels, under their Generals Wayne, Irving and Proctor, with seven pieces of cannon, made an attack upon them on the 21st ult. Notwithstanding a cannonade of three hours, almost every shot of which penetrated through the blockhouse, and an attempt to carry the place by assault, they were repulsed by these brave men, with the loss of a great many killed and wounded. The exertions of the refugees did not cease, after having resisted so great a force; they followed the enemy, seized their stragglers, and rescued from them the cattle they were driving from the neighbouring district.

The blockhouse, which I visited, was pierced with fifty-two shot in one face only; and the two small guns that were in it dismounted: six of the refugees were killed, and fifteen wounded, the far greater part in the blockhouse.

The following are extracts of four letters from Lieutenant-general Earl Cornwallis to Sir Henry Clinton, received with the above:

*Extract of a letter from Lieutenant-general Earl CORNWALLIS to Sir HENRY CLINTON, dated Charleston, South-Carolina, June 30, 1780.*

The submission of General Williamson at Ninety-six, whose capitulation I inclose with Captain Paris's letter, and the dispersion of a party of rebels, who had assembled at an iron work on the north-west border of the province, by a detachment of dragoons and militia from Lieutenant-colonel Turnbull, put an end to all resistance in South-Carolina.

I have agreed to a proposal made by Mr. Harrison, to raise a provincial corps of five hundred men, with the rank of Major, to be composed of

of the natives of the country between the Pedee and Wateree, and in which it is at present extremely probable that he will succeed.

I have established the most satisfactory correspondence, and have seen several people of credit and undoubted fidelity from North-Carolina. They all agree in the assurances of the good disposition of a considerable body of the inhabitants, and of the impossibility of subsisting a body of troops in that country till the harvest is over. This reason, the heat of the summer, and the unsettled state of South-Carolina, all concurred to convince me of the necessity of postponing offensive operations on that side until the latter end of August or beginning of September; and, in consequence, I sent emissaries to the leading persons amongst our friends, recommending, in the strongest terms, that they should attend to their harvest, prepare provisions, and remain quiet until the King's troops were ready to enter the province.

Notwithstanding these precautions, I am sorry to say, that a considerable number of loyal inhabitants of Tryon county, encouraged and headed by a Colonel Moore, rose on the 18th instant, without order or caution, and were, in a few days, defeated by General Rutherford, with some loss.

*Extract of a letter from Lieutenant-general Earl Cornwallis to Sir Henry Clinton, dated Charleston, July 14, 1780.*

Since my arrival at this place, I have been employed in the internal regulation of the province, and settling the militia of the lower districts, both of which are in great forwardness; and I have kept up a continual correspondence with the frontiers and the interior parts of North Carolina, where the aspect of affairs is not so peaceable as when I wrote last. Major-general de Kalbe is certainly at Hillsborough with 2000 Continental

troops, including some cavalry, and said to be preparing to advance to Salisbury: Porterfield is in the neighbourhood of Salisbury with 300 Virginians; and Rutherford with some militia with him: Caldwell with 1500 militia is marched from Cross Creek to the Deep River between Hillsborough and Salisbury; and Sumpter, with about the same number of militia, is advanced as far as the Catawba settlement. Lord Rawdon reports to me, that many of the disaffected South Carolinians, from the Waxhaw and other settlements on the frontier, whom he has put on parole, have availed themselves of the general release of the 20th of June, and have joined General Sumpter.

Accounts from Virginia, through different channels, say, that 2500 of their militia had followed de Kalbe; that the Assembly had voted 5000 men to be immediately drafted to serve as a corps of observation; and had vested their Governor with absolute power during their recess. The Government of North Carolina is likewise making great exertions to raise troops, and persecuting our friends in the most cruel manner; in consequence of which, Colonel Bryan, although he had promised to wait for my orders, lost all patience, and rose with about 800 men on the Yadkin; and, by a difficult and dangerous march, joined Major M'Arthur, on the borders of Anson county; about two thirds only of his people were armed, and those I believe but indifferently.

The effects of the exertions which the enemy are making in those two provinces will, I make no doubt, be exaggerated to us. To enable me to begin first, I am using every possible dispatch in transporting to Camden; rum, salt, regimental stores, arms, and ammunition, which, on account of the distance and excessive heat of the season, is a work of infinite labour,



hour, and requires a considerable time. In the mean while, the measures that I have directed Lord Rawdon to take, will, I trust, put it out of the power of the enemy to strike a blow at any of our detachments, or to make any considerable inroads into this province. I have the satisfaction to assure your Excellency, that the numbers and dispositions of our militia equal my most sanguine expectations.

I have agreed to the proposal of Mr. Cunningham, in the Ninety-six district, to raise a corps on the footing of Major Harrison's.

*Extract of a letter from Lieutenant-general Earl CORNWALLIS to Sir HENRY CLINTON, dated Charles-town, July 15, 1780.*

I have just received intelligence from Lord Rawdon, that de Kalbe has certainly joined Caswall at Cox's plantation on the Deep River: his Lordship in consequence has withdrawn Major M'Arthur's detachment over the Black Creek, where he means to join him with two battalions, and post Lieutenant-colonel Webster on Hanging Rock Creek. This will make his situation pretty compact; but I fear the enemy will make incursions into the country. I propose going down in a few days; although you will easily imagine, that arrangements here are much wanted; and that I can be but ill spared; the other business is however the most pressing.

The Lord Rawdon likewise inclosed to me a letter from Lieutenant-colonel Turnbull, at Rocky Mount, on the West bank of the Wateree, thirty miles from Camden, who reports, that having heard that some of the violent rebels, about thirty miles in his front, had returned to their plantations, and were encouraging the people to join them, he sent Captain Huck of the legion, with a detachment of about 30 or 40 of that corps, 20 mounted men of

the New-York volunteers, and 60 militia, to seize or drive them away. Captain Huck, encouraged by meeting with no opposition, encamped in an unguarded manner, was totally surprized and routed. The Captain was killed, and only 12 of the legion, and as many of the militia, escaped.

*Extract of a letter from Lieutenant-general Earl CORNWALLIS to Sir HENRY CLINTON, dated Charles-town, Aug. 6, 1780.*

The general state of things, in the two provinces of North and South Carolina, is not very materially altered since my letters of the 14th and 15th of last month were written. Frequent skirmishes, with various success, have happened in the country between the Catwaba River and Broad River. The militia of the district about Tiger and Ennore Rivers was formed by us under Colonel Floyd; Colonel Neale, the rebel Colonel, had fled; but Lieutenant-colonel Lisle, who had been paroled to the islands, exchanged, on his arrival in Charles-town, his parole for a certificate of his being a good subject, returned to the country, and carried off the whole battalion to join General Sumpter at Catwaba. We have not, however, on the whole, lost ground in that part of the country. Turnbull was attacked at Rocky Mount by Sumpter, with about 1200 men, militia and refugees, from this province, whom he repulsed with great loss: we had on our part an officer killed, and one wounded. Colonel Turnbull's conduct was very meritorious. The affair of Captain Huck turned out of less consequence than it appeared at first: the Captain and three men of the Legion were killed, and seven men of the New-York volunteers taken. On the Eastern part of the province, Major M'Arthur, seeing the great importance of the post at Chiraw Hills, and finding himself perfectly secure from any attack of the enemy, desired to continue

continue there longer than it was intended he should; when I had the honour of writing to you on the 15th. At last, however, the 71st regiment grew so exceedingly sickly, that he found it absolutely necessary to move, and marched on the 24th to the East Branch of Lincoln's Creek. Gates, who has taken the command of de Kalbe's corps, was still on Deep River; and Rutherford no farther advanced than Rocky River, Pedee. Knowing of no enemy within many miles, he ventured to send about 100 sick in boats down the Pedee to George-town. Colonel Mills, who commanded the militia of the Chiraw district, though a very good man, had not complied with my instructions in forming his corps; but had placed more faith in oaths and professions, and attended less to the former conduct of those he admitted. The instant the militia found that M'Arthur had left his post, and were assured that Gates would come there the next day, they seized their own officers, and the hundred sick, and carried them all prisoners into North Carolina. Colonel Mills with difficulty made his escape to George-town. The wheat harvest in North Carolina is now over, but the weather is still excessively hot; and, notwithstanding our utmost exertions, a great part of the rum, salt, cloathing, and necessaries for the soldiers, and the arms for the provincials, and ammunition for the troops, are not very far advanced on their way to Camden. However, if no material interruption happens, this business will be nearly accomplished in a fortnight or three weeks.

Our assurances of attachment from our distressed friends in North Carolina, are as strong as ever. And the patience and fortitude with which those unhappy people bear the most oppressive and cruel tyranny that ever was exercised over any country, deserve our greatest admiration.

*Admiralty-Office, September 30, 1780.*

Captain Orde, of his Majesty's ship the Virginia, arrived at this Office the 25th instant from North America, with dispatches from Vice-admiral Arbuthnot, of which the following are extracts:

*Europe, Gardiner's Island Bay, August 9, 1780.*

In my letter of the 3d of July last, I had the honour to inform you of the arrival of the Robust and Pearl from Halifax, and that dispositions were made to receive the French fleet should it arrive before Rear-Admiral Graves; if otherwise, to put his reinforcement in immediate order for service, to enable me to meet or pursue it.

On the 8th, the Triton and Guadaloupe, which had been on the lookout, returned with intelligence that they had fallen in with the enemy's squadron on the 5th; that its force consisted of eight ships of the line and frigates, and that it appeared to be steering towards the Delaware.

On the 13th following, Rear-Admiral Graves arrived at Sandy Hook with six ships of the line, having left the Amphitrite with a French East-Indiaman he had captured in his way; and having landed the sick, which were immediately replaced by volunteers from the ships in the harbour, and their water and provisions being soon compleated, I passed the bar with the Europe, Robust, Reasonable and Renown, on the 17th, and having received intelligence that the enemy had arrived at Rhode Island, I lost no time in proceeding with the squadron off that place, and arrived there on the 22d. The enemy appeared to have several considerable encampments on the shore, and had moored the ships and frigates in a line, extending from Rose Island to the Conanicut shore.

In the mean time the Blonde and Galatea were left with orders to bring the transports under their convoy from

from New-York, should the General judge an attempt on Rhode-Island to be warrantable. I remained at anchor off Block-Island until the 4th; when the troops, which had embarked at Huntington-Bay, being ordered on shore, I proceeded to this Bay on the 6th, to procure refreshments and to compleat our water; and the moment this is done, I shall resume my station off Newport. Even here I am ready, at an instant, eventually to co-operate with the army, or to pursue the enemy, as opportunity and occasion may offer or require.

The coast is, in the mean time, lined with cruizers, every frigate and sloop I have being at sea.

As their Lordships will undoubtedly be anxious to be informed respecting our situation, I dispatch the Virginia with this; and I desire to mention Captain Orde to their Lordships as an officer of great merit. *Europe, off Mariba's Vineyard, Aug. 25, 1780.*

I have been induced to detain the Virginia some days longer than I at first intended, in the hope that I might have some decisive event to communicate to their Lordships.

But the enemy still continue at Newport; the report of an expected reinforcement is yet current, and their determination appears to remain inactive until they shall be strengthened.

I left Gardener's Island Bay the 17th instant; and having cruized with the Squadron for eight days between Nantucket Shoals and the East end of Long Island, I anchored here yesterday, and am ready to act as events may point out. Every wind that enables the enemy to sail from Rhode Island, is fair to me: they cannot move, but I must have instant notice of it.

*From the LONDON GAZETTE.  
Admiralty-Office, October 3, 1780.  
Captain Keppel, late of his Ma-  
VOL. X.*

jetty's ship Vestal, arrived at this Office on Sunday last, charged with dispatches from Rear-Admiral Edwards; of which the following are extracts:

*Proteus, St. John's, Newfoundland.  
August 13, 1780.*

On the 3d of July, I fell in with and took an American brig letter of marque, called the Pallas, of fourteen carriage guns, and fifty men, commanded by Hector M'Neal, from Newberry to Amsterdam, loaded with bark, indigo, furs, cochineal, and a quantity of dye-woods.

On the 19th I fell in with the ship Hervey, belonging to the Quebec fleet, which sailed under convoy of the Danae and Pandora; I brought her into St. John's harbour with me; and the Cygnet arriving the 16th, with six sail more of the same convoy, who had parted with the Danae and Pandora, and thirteen sail a few days before upon the Banks, I directed Captain Keppel in the Vestal, and Captain Stanhope in the Trepassey, to convoy them as far as Cape Rozier, and see them safe into the River St. Laurence; and on the 18th they sailed. One of those which the Cygnet brought in (the brig Thetis) had been taken by the Essex, an American privateer, and retaken by the ship Argo.

The Fairy arrived here the 8th of May, the Vestal the 2d, and Oiseau the 11th of July, without losing any of their convoys. The Maidstone has been a cruize upon the Banks since her arrival, which was the 2d of June; and, on the 29th of last month, returned with an American schooner, loaded with eighty-seven hogheads of tobacco. The Coureur, I am sorry to acquaint their Lordships, was taken by two American privateers, of fourteen guns each, on the 21st of June.

I have the pleasure to inform them, Captain Berkely retook Lieutenant Mayor, and thirty of the  
M m Coureur's

Coureur's men, the next day, in one of the privateers called the Griffin, of fourteen carriage guns, and sixty-five men, and brought them safe, with the privateer, into this harbour. He also took (after a chase of forty-one hours) and brought in here the 12th of June, an American privateer brig called the Wilkes, of fourteen carriage guns, and seventy-five men. Captain Baskerville, in the Cygnet, took an American privateer brig, called the Spitfire, of twelve guns, and fifty-three men, the 15th of May; and another the 9th of June, called the Tyger, of twelve guns, and thirty-six men: and on the 23d, the Maidstone and Cygnet took a brig called the Saratoga, of twelve guns and forty-one men; all which were brought safe into this harbour. And here I must beg leave to express my approbation of the conduct of the officers and men upon the above occasions, particularly of the Hon. Captain Berkeley, whose alacrity in getting the Fairy ready, when intelligence was received, that the Coureur was blocked up in Bonavista harbour by two American privateers, is spoken highly of, and had well nigh been attended with the greatest success.

I have the satisfaction to inform their Lordships, that not one English vessel has been taken, or the least depredation committed, upon any part of Newfoundland, since my arrival. I am, &c.

R. EDWARDS.

*Proteus, St. John's, Newfoundland,  
September 16, 1780.*

In addition to my letter of the 13th of August, you will please to acquaint the Lords Commissioners of the Admiralty, that I received a letter, the 13th of August, dated at St. Peter's the 6th, from Captain Berkeley, informing me, that his Majesty's ship Hind had come down from Quebec, in consequence of the Wolfe

armed ship being cast away upon the S. W. part of this island. She had taken two privateers (one called the Harlequin, and the other the Macaroni) and every thing being saved out of the Wolfe, sailed for Quebec again the day before. The troops were all arrived safe, when she left that place.

On the 23d the Surprise arrived from a cruise. In her way to Halifax she retook the Margaret Christiana, who had been taken on her passage to Quebec, by the Essex American privateer.

On the 28th the Mercury returned from the Banks. She retook the ship Elizabeth of Renew's, on the 19th, who had been taken by the Dean, an American privateer of thirty-two guns, a few days before.

On the 30th the Placentia brig arrived, having on the 28th retaken a shallop loaded with fish, that had been taken by the Phoenix, an American privateer brig of sixteen guns, and sixty men.

The 1st instant the ship Fanny, of Baltimore, loaded with tobacco and staves, arrived here, having been taken by the Portland on the 23d of last month.

On the 10th the Vestal sent in the brig Relief, from Maryland for Amsterdam, with ninety-nine hogsheads of tobacco, taken the twenty-fourth of August.

On the 12th Captain Keppel in the Vestal, and Captain Berkeley in the Fairy, arrived with the Phoenix privateer, of sixteen guns and sixty men, taken by them the 10th, and the Mercury packet from Philadelphia, on board of which was the Honourable Henry Laurens, Esq. late President of the Congress in America, bound on an embassy to Holland.

Enclosed I have sent a list of prizes taken; and am, &c.

R. EDWARDS.  
*Name,*

*Names, &c. of ships and vessels taken by his Majesty's Squadron under the command of Rear-Admiral EDWARDS, at Newfoundland.*

1780. May 5. By the Cygnet sloop. Brig Spitfire, (privateer) belonging to Marblehead, 80 tons, 12 guns, 53 men.

June 8. By ditto. Brig Tyger, (privateer) belonging to Salem, 80 tons, 12 guns, 63 men.

June 11. By the Fairy sloop. Brig Wilkes, (privateer) belonging to Gloucester, 140 tons, 14 guns, 65 men.

June 20. By ditto. Brig Griffin, (privateer) belonging to Salem, 100 tons, 14 guns, 49 men.

June 23. By the Maidstone and Cygnet. Brig Saratoga, (privateer) belonging to Salem, 120 tons, 12 guns, 41 men.

July 3. By the Portland. Brig Pallas, belonging to Newberry, laden with indigo, furs, bark, and dye-wood, for Holland, 140 tons, 14 guns, 43 men.

July 14. By the Cygnet. Brig Thetis, (recapture) belonging to Stockton, in England, laden with rum, wine, and flour, for Quebec, 140 tons, 6 men.

July 6. By the Maidstone. Schooner Independence, belonging to Virginia, laden with tobacco, for Holland, 50 tons, 12 men.

Aug. 19. By the Mercury. Ship Elizabeth (recapture) 240 tons, 14 guns, 10 men, from London to Newfoundland, laden with salt.

Aug. 23. By the Portland. Ship Fanny, 140 tons, 12 guns, 35 men, from Baltimore to Holland, laden with tobacco.

July 15. By the Surprise. Margaret Christianna, (recapture) from London to Quebec, laden with sundry goods, and carried into Halifax.

Aug. 24. By the Vestal. Brig Relief, 120 tons, 12 men, from Baltimore to Holland, laden with tobacco.

Sept. 3. By the Vestal and Fairy. Brig Mercury, (Congress packet) 60 tons, 4 guns, 14 men, from Philadelphia to Holland.

Sept. 10. By the Vestal and Fairy. Brig Phoenix, (privateer) belonging to Newberry, 140 tons, 16 guns, 60 men.

R. EDWARDS.  
*St. John's, Sept. 16, 1780.*

*The LONDON GAZETTE Extraordinary.*

*Whitehall, Oct. 9, 1780.* This morning Capt. Ross, Aid-de-Camp to Lieutenant-General Earl Cornwallis, arrived in town from South Carolina, with a letter from his Lordship to Lord George Germain, one of his Majesty's principal Secretaries of State, of which the following is a copy:

*Camden, Aug. 21, 1780.*

My Lord,

It is with great pleasure that I communicate to your Lordship an account of a complete victory obtained on the 16th instant, by his Majesty's troops under my command, over the rebel southern army, commanded by General Gates.

In my dispatch, No. 1, I had the honour to inform your Lordship, that while at Charles-town, I was regularly acquainted, by Lord Rawdon, with every material incident or movement made by the enemy, or by the troops under his Lordship's command.

On the 9th instant two expresses arrived, with an account that General Gates was advancing towards Lynche's Creek with his whole army, supposed to amount to six thousand men, exclusive of a detachment of one thousand men under General Sumpter, who, after having in vain attempted to force the posts at Rocky Mount and Hanging Rock, was believed to be, at that time, trying to get round the left of our position, to cut off our communication with the

M m 2

Congarees

Congarees and Charles-town; that the disaffected country between Pedee and Black River had actually revolted; and that Lord Rawdon was contracting his posts, and preparing to assemble his post at Camden.

In consequence of this information, after finishing some important points of business at Charles-town, I set out, on the evening of the 10th, and arrived at Camden on the night between the 13th and 14th, and there found Lord Rawdon with our whole force, except Lieutenant-colonel Turnbull's small detachment, which fell back from Rocky Mount to Major Ferguson's posts of the militia, of Ninety-six, on Little River.

I had now my option to make, either to retire or attempt the enemy; for the position at Camden was a bad one to be attacked in, and by General Sumpter's advancing down the Wateree, my supplies must have failed me in a few days.

I saw no difficulty in making good my retreat to Charles-town, with the troops that were able to march; but, in taking that resolution, I must have not only left near eight hundred sick and a great quantity of stores at this place, but I clearly saw the loss of the whole province, except Charles-town, and all of Georgia, except Savannah, as immediate consequences, besides forfeiting all pretensions to future confidence from our friends in this part of America.

On the other hand, there was no doubt of the rebel army being well appointed, and of its number being upwards of five thousand men, exclusive of General Sumpter's detachment, and of a corps of Virginia militia of twelve or fifteen hundred men, either actually joined or expected to join the main body every hour: and my own corps, which never was numerous, was now reduced, by sickness or other casualties, to about fourteen hundred fighting men, of regulars and provincials,

with four or five hundred militia and North Carolina refugees.

However, the greatest part of the troops that I had being perfectly good, and having left Charles-town sufficiently garrisoned and provided for a siege, and seeing little to lose by a defeat, and much to gain by a victory, I resolved to take the first good opportunity to attack the rebel army.

Accordingly, I took great pains to procure good information of their movements and position: and I learned that they had encamped, after marching from Hanging Rock, at Col. Rugeley's, about twelve miles from hence, on the afternoon of the fourteenth.

After consulting some intelligent people, well acquainted with the ground, I determined to march at ten o'clock on the night of the 15th, and to attack at day-break, pointing my principal force against their Continentals, who, from good intelligence, I knew to be badly posted, close to Colonel Rugeley's house. Late in the evening I received information, that the Virginians had joined that day: however, that having been expected, I did not alter my plan, but marched at the hour appointed, leaving the defence of Camden to some provincials, militia, and convalescents, and a detachment of the sixty-third regiment, which, by being mounted on horses, which they had pressed on the road, it was hoped would arrive in the course of the night.

I had proceeded nine miles, when about half an hour past two in the morning, my advanced guard fell in with the enemy. By the weight of the fire I was convinced they were in considerable force, and was soon assured by some deserters and prisoners, that it was the whole rebel army on its march to attack us at Camden. I immediately halted and formed, and the enemy doing the same,

same, the firing soon ceased. Considering in the disciplined courage of his Majesty's troops, and well apprised by several intelligent inhabitants, that the ground on which both armies stood, being narrowed by swamps on the right and left, was extremely favourable for my numbers, I did not chuse to hazard the great stake for which I was going to fight, to the uncertainty and confusion to which an action in the dark is so particularly liable: but having taken measures that the enemy should not have it in their power to avoid an engagement on that ground, I resolved to defer the attack till day. At the dawn I made my last disposition, and formed the troops in the following order: the division on the right, consisting of a small corps of light infantry, the twenty-third and thirty-third regiments, under the command of Lieutenant-colonel Webster; the division on the left consisting of the Volunteers of Ireland, Infantry of the Legion, and part of Lieutenant-colonel Hamilton's North Carolina regiment, under the command of Lord Rawdon, with two six and two three-pounders, which were commanded by Lieut. M'Leod. The seventy-first regiment, with two six-pounders, was formed as a reserve, one battalion in the rear of the division of the right, the other of that of the left, and the cavalry of the Legion in the rear, and the country being woody, close to the seventy-first regiment, with orders to seize any opportunity that might offer to break the enemy's line, and to be ready to protect our own, in case any corps should meet with a check.

This disposition was just made when I perceived that the enemy, having likewise persisted in their resolution to fight, were formed in two lines opposite and near to us; and observing a movement on their left,

which I supposed to be with an intention to make some alteration in their order, I directed Lieutenant-colonel Webster to begin the attack, which was done with great vigour, and in a few minutes the action was general along the whole front. It was at this time a dead calm, with a little haziness in the air, which preventing the smoke from rising, occasioned so thick a darkness, that it was difficult to see the effect of a very heavy and well supported fire on both sides. Our line continued to advance in good order, and with the cool intrepidity of experienced British soldiers, keeping up a constant fire, or making use of bayonets, as opportunities offered; and, after an obstinate resistance during three quarters of an hour, threw the enemy into total confusion, and forced them to give way in all quarters. At this instant I ordered the cavalry to complete the route, which was performed with their usual promptitude and gallantry; and after doing great execution on the field of battle, they continued the pursuit to Hanging Rock, twenty-two miles from the place where the action happened, during which, many of the enemy were slain, and a number of prisoners, near one hundred and fifty waggons, (in one of which was a brass cannon, the carriage of which had been damaged in the skirmish of the night) a considerable quantity of military stores, and all the baggage and camp equipage of the rebel army, fell into our hands.

The loss of the enemy was very considerable; a number of colours, and seven pieces of brass cannon, (being all their artillery that were in the action) with all their ammunition waggons, were taken; between eight and nine hundred were killed, among that number Brigadier-general Gregory, and about one thousand prisoners, many of whom wounded, of  
which

which number were Major-general Baron de Kalbe, since dead, and Brigadier-general Rutherford.

I have the honour to inclose a return of killed and wounded on our side. The loss of so many brave men is much to be lamented; but the number is moderate in proportion to so great an advantage.

The behaviour of his Majesty's troops in general was beyond all praise; it did honour to themselves and to their country. I was particularly indebted to Colonel Lord Rawdon, and to Lieutenant-colonel Webster, for the distinguished courage and ability with which they conducted their respective divisions, and the capacity and vigour of Lieutenant-colonel Tarleton, at the head of the cavalry, deserve my highest commendations; Lieutenant McLeod exerted himself greatly in the conduct of our artillery. My Aid-de-Camp, Captain Ross, and Lieutenant Haldane, of the engineers, who acted in that capacity, rendered me most essential service; and the public officers, Major of Brigade England, who acted as Deputy Adjutant-general, and the Majors of Brigade Manley and Doyle, shewed the most active and zealous attention to their duty; Governor Martin became again a military man, and behaved with the spirit of a young volunteer.

The fatigue of the troops rendered them incapable of further exertion on the day of the action; but as I saw the importance of destroying or dispersing, if possible, the corps under General Sumpter, as it might prove a foundation for assembling the routed army, on the morning of the 17th I detached Lieutenant-colonel Tarleton with the Legion cavalry and infantry, and the corps of light infantry, making in all about three hundred and fifty men, with orders to attack him wherever he could find him; and at the same time I sent orders to Lieutenant-colonel Turn-

bull and Major Ferguson, at that time on Little River, to put their corps in motion immediately, and on their side to pursue and endeavour to attack General Sumpter. Lieutenant-colonel Tarleton executed this service with his usual activity and military address. He procured good information of Sumpter's movements, and, by force and concealed marches, came up with and surprised him in the middle of the day on the 18th, near the Catawba Fords. He totally destroyed or dispersed his detachment, consisting then of seven hundred men, killing one hundred and fifty on the spot, and taking two pieces of brass cannon and three hundred prisoners, and forty-four waggons. He likewise retook one hundred of our men, who had fallen into their hands partly at the action at Hanging Rock, and partly in escorting some waggons from Congarees to Camden; and he released one hundred and fifty of our militiamen, or friendly country people, who had been seized by the rebels. Captain Campbell, who commanded the light infantry, a very promising officer, was unfortunately killed in the affair. Our loss otherwise was trifling. This action was too brilliant to need any comment of mine, and will, I have no doubt, highly recommend Lieutenant-colonel Tarleton to his Majesty's favour. The rebel forces being at present dispersed, the internal commotions and insurrections in the province will now subside. But I shall give directions to inflict exemplary punishment on some of the most guilty, in hopes to deter others, in future, from sporting with allegiance and oaths, and with the lenity and generosity of the British government.

On the morning of the 17th I dispatched proper people into North Carolina, with directions to our friends there to take arms and assemble immediately, and to seize the most



most violent people, and all military stores and magazines belonging to the rebels, and to intercept all stragglers from the routed army; and I have promised to march without loss of time to their support. Some necessary supplies for the army are now on their way from Charles-town, and I hope that their arrival will enable me to move in a few days.

My Aid-de-camp, Captain Ross, will have the honour of delivering this dispatch to your Lordship, and will be able to give you the fullest account of the state of the army and the country. He is a very deserving officer, and I take the liberty of recommending him to your Lordship's favour and patronage.

I have the honour to be, &c.

CORNWALLIS.

*Field return of the troops under the command of Lieutenant general Earl CORNWALLIS, on the night of the 15th of August, 1780.*

Royal artillery. 2 Lieutenants, 2 serjeants, 15 rank and file.

Light companies. 2 Captains, 3 Lieutenants, 1 ensign, 1 adjutant, 11 serjeants, 1 drummer, 129 rank and file.

23d Regiment. 3 Captains, 6 Lieutenants, 1 adjutant, 13 serjeants, 8 drummers, 261 rank and file.

33d Regiment. 1 Lieutenant-colonel, 5 captains, 4 lieutenants, 2 ensigns, 1 adjutant, 1 surgeon, 1 mate, 13 serjeants, 1 drummer, 209 rank and file.

1st Battalion, 71st regiment. 2 Captains, 4 lieutenants, 1 ensign, 1 adjutant, 1 quarter-master, 1 mate, 14 serjeants, 6 drummers, 114 rank and file.

2d. Battalion, ditto. 1 Captain, 3 lieutenants, 3 ensigns, 9 serjeants, 94 rank and file.

Volunteers of Ireland. 1 Colonel, 4 captains, 4 lieutenants, 6 ensigns, 1 mate, 23 serjeants, 11 drummers, 253 rank and file.

British legion of cavalry. 1 Lieutenant-colonel, 1 major, 2 captains, 3 lieutenants, 2 cornets, 1 adjutant, 1 surgeon, 12 serjeants, 2 drummers, 157 rank and file.

British legion of infantry. 4 Captains, 4 lieutenants, 9 serjeants, 3 drummers, 106 rank and file.

Royal North Carolina regiment. 1 Lieutenant-colonel, 1 major, 5 captains, 6 lieutenants, 4 ensigns, 1 adjutant, 1 quarter-master, 1 surgeon, 16 serjeants, 8 drummers, 223 rank and file.

Pioneers. 2 Lieutenants, 3 serjeants, 23 rank and file.

Volunteer militia. 1 Lieutenant-colonel, 1 major, 3 captains, 5 lieutenants, 4 ensigns, 8 serjeants, 300 rank and file.

Total. 1 Colonel, 4 lieutenant-colonels, 3 majors, 31 captains, 46 lieutenants, 23 ensigns, 6 adjutants, 2 quarter-masters, 3 surgeons, 3 mates, 133 serjeants, 40 drummers, 1944 rank and file.

(Signed)

R.D. ENGLAND,

Acting D. Adjutant-general.

*Return of the killed, wounded, and missing, of the troops under the command of Lieutenant-general Earl CORNWALLIS, in the battle fought near Camden, South Carolina, on the 16th of August, 1780.*

Royal Artillery. 1 Lieutenant, 2 rank and file, wounded.

Light infantry. 1 Serjeant, 6 rank and file, killed; 1 ensign, 5 rank and file, wounded.

23d Regiment. 6 rank and file killed; 1 captain, 17 rank and file, wounded.

33d regiment. 1 Captain, 17 rank and file, killed; 1 lieutenant-colonel, 1 captain, 2 lieutenants, 1 ensign, 4 serjeants, 72 rank and file, wounded; 1 rank and file missing.

1st Battalion, 71st. 1 Lieutenant, 4 rank and file, killed; 1 captain, 1 lieutenant, 1 serjeant, 22 rank and file, wounded.

2d. battalion, ditto. 1 Serjeant, 4 rank

4 rank and file, killed; 1 serjeant, 8 rank and file, wounded.

Volunteers of Ireland. 17 Rank and file, killed; 1 lieutenant, 2 ensigns, 2 serjeants, 1 drummer, 64 rank and file, wounded.

Legion cavalry. 4 Rank and file killed; 1 serjeant, 3 rank and file wounded; 2 rank and file missing.

Legion infantry. 1 Rank and file killed; 1 lieutenant, 1 serjeant, 10 rank and file, wounded; 2 serjeants, 3 rank and file, missing.

Royal North Carolina regiment. 3 Rank and file killed; 1 lieutenant-colonel, 1 lieutenant, 1 ensign, 3 serjeants, 8 rank and file, wounded.

Pioneers. 2 Rank and file killed; 1 lieutenant wounded.

Volunteer militia. 2 Rank and file wounded; 3 rank and file missing.

Total. 1 Captain, 1 lieutenant, 2 serjeants, 64 rank and file, killed; 2 lieutenant-colonels, 3 captains, 8 lieutenants, 5 ensigns, 13 serjeants, 1 drummer, 213 rank and file, wounded; 2 serjeants, 9 rank and file, missing.

#### *Officers killed and wounded.*

Royal Artillery. Lieutenant Marquis wounded.

Light companies. Ensign Bowen wounded.

23d regiment. Captain James Drury wounded.

33d regiment. Captain Allen Malcolm killed; Lieutenant-colonel Webster, Captain Richard Cotton, Lieutenants George Wynyard, James L. Harvey, Ensign John Wheeler Collington, wounded.

1st Battalion, 71st. Lieutenant Archibald Campbell killed; Captain Hugh Campbell, Lieutenant John Grant, wounded.

Volunteers of Ireland. Lieutenant Gillispie, Ensigns Whatley and Thompson, wounded.

Legion infantry. Lieutenant Donovan, wounded.

Royal North Carolina regiment.

Lieutenant-colonel Hamilton, Lieutenant M'Alpine, Ensign Shaw, wounded.

Pioneers. Lieutenant Macdonald wounded.

(Signed)

CORNWALLIS, Lieut. Gen.  
*Return of ordnance and military stores taken by the army under the command of Lieutenant general Earl CORNWALLIS, at the battle fought near Camden, the 16th of August, 1780.*

#### *Brass field-pieces.*

Six-pounders 4, three-pounders 2, two-pounders 2; total 8.

Abandoned by the enemy, and brought from their camp, Lynche's Creek.

#### *Iron field-pieces.*

Three-pounder 1, two-pounder 1, swivels 3; total 5.

Ammunition waggons covered 22

Travelling forges — 2

Fixed ammunition for six-pounders — 160

Ditto for three-pounders 520

Stands of arms — 2000

Musquet cartridges — 80,000

Taken by Lieutenant - colonel Tarleton, at the defeat of General Sumpter, August 18, 1780.

#### *Field-pieces.*

Three pounders 2.

(Signed)

J. MACLEOD, Lieutenant,  
Commanding officer of artillery.  
*Return of killed and wounded of the troops under the command of Lieutenant-colonel TARLETON, in the action near Catawba Fords, on the 18th of August, 1780.*

Light infantry. 1 Captain, 5 rank and file, killed.

Legion cavalry. 1 Serjeant, 2 rank and file, killed; 6 rank and file wounded.

(Signed)

RD. ENGLAND,  
Acting D. Adjutant-general.  
Captain Rofs came in the Providence frigate, which left Charlestown on the 3d of September.

From the LONDON GAZETTE.

Admiralty-Office, Oct. 14, 1780.

*Extract of a letter from Vice-admiral Sir PETER PARKER, Commander in Chief of his Majesty's ships at Jamaica, to Mr. STEPHENS, dated Port Royal, the 13th of August, 1780.*

Captain Cornwallis arrived the 20th of last month, with the Lion, Sultan, Hector, Ruby, and Bristol, from convoying the trade through the gulph of Florida. By the inclosed copy of a letter from Captain Cornwallis, we suppose the Squadron he fell in with were French from Europe bound to some part of America, under the command of Mons. Terncy. Captain Cornwallis displayed on this occasion his usual spirit and conduct. The behaviour of the French cannot be otherwise accounted for than by their having some very particular object in view.

In the evening of the 1st instant, Rear-admiral Rowley and Commodore Walsingham arrived with ten sail of the line, and the Barbadoes brig.

*Lion, off Cape Francois, July 14, 1780.*

SIR,

On the 9th of June, the convoy having past through the Gulph of Florida, and got as far to the northward as 29:30, Captain Inglis made the signal to separate; we parted company accordingly, and proceeded on, pursuant to your orders, with the Lion, Sultan, Hector, Bristol, Ruby, and Niger. On the 20th, being then in the latitude 30, 18 north longitude, made from Cape Florida 11:47 E. the wind at S. S. E. standing to the eastward. At one P. M. the Niger a-head made the signal for a general chase; we soon perceived they were a convoy standing across us to the N. N. W. but upon their seeing us, they hauled up towards us; some large ships stretching a-head of the rest, particularly

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two that were much a-head; who, as soon as the Hector and Niger came near them, wore, and edged down to join the others. About half past four, being pretty near, and perceiving seven two-deck ships drawing into a line, besides some others that were with the convoy, and some frigates, I made the signal for the line a-head upon the starboard tack, the enemy being upon the larboard tack, their convoy about two or three miles upon their starboard quarter, and some two-deck ships and frigates carrying a press of sail to join the other seven; the Ruby was so far to leeward, that the enemy would have weathered her; she was therefore obliged to tack: I then made the signal to wear, and form the line upon the larboard tack, the same the enemy were upon, and edged down to support the Ruby, and prevent their weathermost ships getting between her and us. The enemy kept edging off, and forming their line, but did not fire, although within gun-shot. About half past five o'clock, perceiving we had pushed the French ships sufficiently to leeward to enable the Ruby, who was upon our lee-bow, to join us, I made her signal to tack: the enemy then hoisted their colours, and began to fire: their leading ship had a broad pendant; and their third ship, which commanded, and was a-breast of the Lion, a flag at the mizen-top-mast-head: all the other ships hoisted common white pendants. As soon as the Ruby had fetched into the rear of our line and tacked, the enemy's headmost ship tacked, and the rest in succession, keeping their line; and those leading upon the starboard, that led before upon the larboard tack; they fired as they passed our ships, but at a great distance. When they got the length of our rear, about seven o'clock in the evening, they bore up, and joined their convoy.

N n

This

This fleet I believe consisted of 14 men of war, 10 or 11 of which were two-deck ships, and three or four frigates: the rest were merchant ships, or transports, a cutter, and an armed American brig; the whole we reckoned from 44 to 47 sail.

As soon as it was dark we brought too, and enquired of those, that had been nearest the enemy's convoy, their force, which nearly agreed with the opinion we had formed on board the Lion. We stood on to the southward under our topsails and forefail all night; and in the morning they were not to be seen. A random shot killed the coxswain, and wounded a marine on board the Lion: one man was wounded on board the Bristol: the Ruby, by passing between the two lines, was more exposed to the enemy's fire than the other ships; she had one man killed, and three wounded, one of whom is since dead; her jib-boom was shot away; a shot through the slings of her fore-yard, that will I believe require her having a new one, is the only damage of consequence received by any of the ships.

The whole of this is a matter of small importance; but I thought it my duty to inform you of every particular, for fear of misrepresentations, as the enemy are sometimes not very correct in their accounts.

We flattered ourselves at first, that it was a convoy under the care of the four line of battle ships we met the last cruise with some frigates; I am sure it was the sincere wish of my brother Captains, and every one of our little squadron: but I am to lament my ill fortune, that after having been entrusted by you with the command of five such ships, and a frigate, that I should again meet the enemy so strong, as to prevent our being able to attempt any thing against them.

I am, &c.

W. CORNWALLIS.

*Extract of a letter from NATHANIEL DAVISON, Esq. his Majesty's Consul General at Algiers, to the Earl of HILLSBOROUGH, one of his Majesty's Principal Secretaries of State, dated Algiers, Sept. 8, 1780, received Oct. 11.*

The conduct and success of Capt. Edward Moor, commanding the Fame private ship of war, of Dublin, on a late occasion, will, I doubt not, be deemed sufficiently remarkable to justify my troubling your Lordship with the following particulars:

He sailed from Mahon the 20th of last month, and receiving advice soon after of the departure of five French vessels, all letters of marque, from Marseilles, bound for the West-Indies, determined to go in quest of them. On the 25th he descried five sail near the Spanish coast, which corresponded with his intelligence; but as they were at a distance, and the day was far spent, he judged it prudent not to make a shew of pursuing them, that he might have a better chance to succeed in getting betwixt them and the land at night, which he had the good fortune to effect. He found himself at daylight next morning off Cape de Gat, and about two leagues from the five ships that were together, and formed in a line to receive him. At half past six, when he was within gunshot, they hoisted French colours, and discharged their broadsides. Captain Moor bore down upon them, and though they continued their fire without interruption, reserved his till he was within pistol-shot of the largest, which struck after an engagement of three quarters of an hour. Without stopping to send any of his people on board, he proceeded to engage the second, and took her, after a short resistance. He left an officer and seven men in this prize, with orders to look after the former, till he returned from pursuing the three remaining vessels, which he observed were making

fail to get away. He came up with and took two of them; the other escaped.

The largest ship is called *Les Deux Freres*, pierced for twenty guns, mounting fourteen six-pounders, and fifty-five men, (fifteen of whom got off in a boat;) the second *L'Univers*, (the Captain of which was killed) pierced for 18 guns, carries twelve six-pounders and 41 men, little inferior in size to the *Deux Freres*; the third, the *Zephir* (formerly his Majesty's sloop) pierced for 14 guns, mounting 10 three-pounders, and thirty-two men; the fourth, the *Nancy*, a pink of two six-pounders, two two-pounders, and 18 men. They got all safe into this bay on the 29th of last month, about ten o'clock at night.

Captain Moor's gallant behaviour has been taken great notice of by the officers of this regency, and his humane and generous treatment of his prisoners been admired by every body; indeed so much so, that *Mons. de la Vallee*, French Consul General here, thought it incumbent on him to write a line to me to express his sense of it, in the strongest terms of encomium and gratitude.

The *Fame* mounts twenty guns, six-pounders, on one deck, and four upon her quarter-deck, viz. two four-pounders and two three-pounders, and 108 men.

*Kingston, July 22.* On Thursday, in consequence of the intelligence received by the *Punch*, his Excellency the Governor was pleased to order a general embargo to be laid on all the shipping in the different ports of this island.—It is not meant, however, to restrict vessels coming from the out-ports to this harbour.

*Kingston, August 12.* The schooner *Punch*, Captain Perkins, returned on Tuesday from reconnoitering the harbour of Cape François, in which, on the 29th ult. there were 26 ships of the line, with three

flags flying, and seven or eight frigates. Captain Perkins again looked into the Cape the 6th instant, and observed the same number of vessels at anchor.

The intended expedition from this place, under the command of his Excellency the Governor, is for the present postponed.

*Kingston, August 12.* The situation of his Majesty's troops in this island has, for a long time past, been truly wretched. The pay-bills (being the provision made by this country for subsisting them) were formerly paid with some degree of punctuality, but of late, not a shilling could be obtained from our Treasury or Receiver-general's Office.—In consequence of which, men landed out of transports from England, in full health and vigour, dwindled to mere spectres, and their miserable countenances soon exhibited hunger and despair.—Little did it avail, the sending troops here under such circumstances,—and amidst the factious clamours of party—because of some detachments sent on foreign service, not a syllable is dropt respecting the wretched situation of those who remained,—wanting every necessary, and daily falling victims to famine and disease.—In vain did the Assembly come to a resolution for giving credit to the pay-bills, they daily sunk; public credit was too far gone, and seems now almost annihilated.

*Charles-town, Aug. 29.*

*Copy of a Proclamation issued by GENERAL GATES, at Pader, the 4th instant.*

By HORATIO GATES, Esq. Major-general and Commander in Chief of the army of the United States in the Southern Department of America, &c. &c. &c.

#### A P R O C L A M A T I O N .

The patriotic exertions of the virtuous citizens of the United States having enabled me, under the protection

section of Divine Providence, to vindicate the rights of America in this State, and by the approach of a numerous, well appointed, and formidable army, to compel our late triumphant and insulting foes to retreat from their most advantageous posts, with precipitation and dismay. I have judged it most expedient, at this period of my progress, to give assurances of forgiveness and perfect security to such of the unfortunate citizens of this State, as have been induced by the terror of sanguinary punishments, the menace of confiscation, and all the arbitrary measures of military domination, apparently to acquiesce under the British government, and to make a forced declaration of allegiance and support to a tyranny, which the indignant souls of citizens resolved on freedom, inwardly revolted at, with horror and detestation.

And in order to afford an opportunity to the real friends of America to testify the affection and attachment to the cause of liberty, an invitation is hereby held out to them to assert that rank among the free and independent citizens of America, in which their former exertions and zeal had deservedly placed them, and to join heartily, when called upon, in rescuing themselves and their country from an opposition of a government imposed on them by the Russian hand of conquest. Nevertheless, I cannot at present resolve to extend these offers of pardon and security to such, as in the hour of devastation, have exercised acts of barbarity and depredation on the persons and property of their fellow-citizens; nor to such, as being apprized of the security afforded to them by the army under my command, shall be so lost to a sense of honour and the duty they owe to their country, as hereafter to give countenance and support to that enemy, who, but for the disaffection

of many of the apostate sons of America, had long e'er this been driven from the Continent.

The inhabitants of this State may rely on the assurance that an army composed of their brethren and fellow-citizens cannot be brought among them with the hostile vices of plunder and depredation. Such triumphs, under the colour of protection and support, are left to grace the British arms alone: but they may rest satisfied, that the genuine motive which has given energy to the present exertions, is the hope of rescuing them from the iron rod of oppression, and restoring to them those blessings of freedom and independence which it is the duty and interest of the citizens of these United States, jointly and reciprocally, to support and confirm.

Given at Head-quarters, on the river Pedee, this fourth day of August, in the year of our Lord one thousand seven hundred and eighty, and in the fifth year of our independence.

HORATIO GATES.

By the General's command,

CHRIST. RICHMOND, Sec.

*From the South-Carolina Gazette of August 29.*

*Copy of General GATES's Orders.*

*After orders.*

*Camp, at Rugley's, 15th Aug. 1780.*

The sick, the extra artillery stores, the heavy baggage, and such Quarter-masters stores as are not immediately wanted, to march this evening under a guard to Waxhaws; to this order the General requests the Brigadier-generals to see that those under their command pay the most exact and scrupulous obedience.

Lieutenant-colonel Edmonds, with the remaining guns of the park, will take post, and march with the Virginia brigade under Gen. Stevens; he will direct, as any deficiency happens in the artillery affixed to the other brigades, to supply it immediately

ately; his military staffs, and proportion of his officers, with forty of his men, are to attend him and wait his orders.

The troops will be ready to march precisely at ten o'clock, in the following order, viz. Colonel Armand's advance, cavalry commanded by Colonel Armand: Colonel Porterfield's light infantry on the right flank of Colonel Armand's, in Indian file, two hundred yards from the road; Major Armstrong's light infantry in the same order as Colonel Porterfield's on the left flank of the legion; advance guard of foot, composed of the advanced picquets, first brigade of Maryland, second brigade of Maryland, division of North-Carolina, Virginia division; rear-guard volunteers, cavalry on the right and left of the baggage, equally divided; in this order the troops will proceed this night; in case of an attack by the enemy's cavalry in front, the light infantry on each flank will instantly march up, and give, and continue the most galling fire upon the enemy's horse; this will enable Colonel Armand's not only to support the enemy's charge, but finally route them; the Colonel will therefore consider the orders to stand the attack of the enemy's cavalry, be their numbers what they may, as positive: General Stevens will immediately order one Captain, two Lieutenants, one Ensign, three Serjeants, one drum, and 60 rank and file, to join Colonel Porterfield's infantry; these men are to be taken from the most experienced woodsmen, and men every way fittest for the service.

The General will likewise complete Armstrong's light infantry to their original number, those must be immediately marched to the advanced post of the army. The troops will preserve the profoundest silence on the march, and any soldier who offers to fire, without the command

of his officer, must be instantly put to death.

When the ground will admit of it, and the near approach to the enemy renders it necessary, the army will, when ordered, march in columns; the artillery at the head of their respective brigades, and the baggage in the rear. The guard of the heavy baggage will be composed of the remaining officers and soldiers of the artillery. One Captain, two Subalterns, four Serjeants, four drums, and 60 rank and file, and no person whatever is to presume to send any other soldier upon that service.

All batmen, waiters, &c. who are soldiers taken from the line, are forthwith to join their respective regiments, and act with their masters, while they are upon duty.—The tents of the whole army to be struck at tattoo.

*August 28.* Last week, as a small party of our troops and militia were escorting one hundred and forty of the prisoners, taken near Camden, to this town, they were met by a strong party of the mounted Americans, under the command of a Col. Herry, who rescued them. It being impossible to find horses for all, about sixty or seventy returned to surrender themselves, forty of whom arrived here last night, and a few this morning.

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*Charles-town, Tuesday, Aug. 22.*

The following orders of the Right Honourable Lieutenant-general Earl Cornwallis, after the glorious victory obtained by his Lordship over the Rebel army, on the 16th instant, and other interesting and important advices, just arrived in town from Camden, are published by authority:

*Camden, Aug. 17, 1780.*

LORD CORNWALLIS'S ORDERS.

My sense of gratitude and admiration for the behaviour of the troops which

which I had the honour to command in the action of yesterday is so great, that words cannot express my feelings. The determined intrepidity with which every soldier fought in that glorious field, proved his sincere affection to his King and country, and his resolution to maintain their rights, and revenge their injuries.

My thanks are particularly due to Lord Rawdon, and Lieutenant-colonel Webster, for the great assistance which I received from them, and for the courage and ability which they shewed in conducting their respective divisions. The spirited exertions of the commanding officers of the different corps of infantry deserve my warmest praise and acknowledgment.

I am much indebted to Lieutenant-colonel Tarleton, who commanded the cavalry, and Lieutenant M'Leod, who commanded the artillery, for the great service they performed on that important day.

I must likewise express my obligations to Lieutenant-colonel Hamilton, and have no doubt that the ardour which was shewn by the young troops under his command will, in future, be productive of the best consequences in the cause of Britain.

I feel most sensibly the advantages I received from the zeal and good conduct of my Aid-de-Camps, Captain Ross, and Lieutenant Haldane, and Major of Brigade England, acting as Deputy Adjutant-general and the Majors of Brigade, Manly and Doyle.

RD. ENGLAND.

Acting Dep. Adj. General.

SOUTH-CAROLINA.

*By the Right Honourable CHARLES Earl CORNWALLIS, Lieutenant-general of his Majesty's forces, &c. &c.*

PROCLAMATION.

Whereas it hath been represented unto me, that some litigious and evil-disposed persons have lately drove away, from the plantations of

several of the inhabitants in this province, the cattle which were upon the same, falsely asserting that they were properly authorised so to do, to the great loss and injury of the proprietors of the said cattle: in order that a stop may be put to so iniquitous and unjust a practice, I do, by this my Proclamation, most strictly prohibit and forbid the same; and I do hereby give notice, that if any person or persons shall hereafter offend therein, he or they shall not only be compelled to make recompence and satisfaction to the owners of cattle so drove away, but shall be further punished, in a manner that an offence of so great enormity and evil example doth deserve. And, the more effectually to prevent complaints and irregularities in future, I do hereby give notice, that whenever a future exigency may render it necessary to impress, for the use of his Majesty's troops, any cattle, the field officers of the militia of the district will receive the proper orders, and be authorised to cause the same to be done; and no persons whatever, except those acting under their authority, are, upon any pretence, to interfere therein: and all persons whatever are hereby most strictly required to pay a due obedience to this Proclamation, as they will answer the contrary at their peril.

Given under my hand, at Charlestown, the eighteenth day of July, Anno Domini, 1780, and in the twentieth year of his Majesty's reign.

CORNWALLIS.

By his Lordship's command,

A. Ross, Aid-de-camp.

*By their Excellencies Sir HENRY CLINTON, K. B. General and Commander in Chief of his Majesty's forces, and MARIOT ARBUTHNOT, Esq. Vice-admiral of the Blue, Commander in Chief of his Majesty's ships, &c. &c. &c. his Majesty's Commissioners to restore*



*store peace and good government to the several Colonies in rebellion in North-America.*

# PROCLAMATION.

Whereas by an Act of Parliament, made and passed in the seventeenth year of his Majesty's reign, entitled, "An Act to authorize the carrying of the captures therein mentioned into any port of his Majesty's dominions in North America, and for ascertaining the value of such part of ships and goods, as belong to the recaptors;" it is enacted, that the persons appointed by his Majesty to grant pardons, may grant his licence or warrant, authorizing any captors, or any other persons in their behalf, to carry the captures therein described into any harbour or place in any of his Majesty's dominions: we do hereby give full licence and warrant to the Commanders of his Majesty's ships and vessels of war, and to all others legally and properly authorized to make the captures described in the above-mentioned Act, to send all such captures to the ports of New-York and Charles-town, South-Carolina. And we further declare, that such captures, or any part of such captures, after condemnation as lawful prize, may be exported into and landed in Great Britain, or any other of his Majesty's dominions, upon payment of the said duties, and subject to the same restrictions in all other respects, as the same now are subject to by the said recited Act; the officers, appointed on the Proclamations of their Excellencies Sir William Howe on the 17th of July, 1777, and Sir Henry Clinton on the 27th of May, 1780, granting such licences for the said exportations as we shall direct.

Given under our hands and seals, in New-York, the 15th day of July, 1780.

H. CLINTON.

M. ARBUTHNOT.

By their Excellencies command,

J. SIMPSON, Secretary.

*Extract of a letter written by Baron KALBE, found in his pocket, after he was made prisoner.*

"General Gates arrived the 24th of July, and took the command on the 26th, to my great satisfaction: with what I have provided, and what he expected from Providence (for he had and could have no certainty of supplies) continued moving on, without seeing the enemy; they retreat before us; it is true they are not much better off for provisions than we are, and are very sickly, our army has not so many sick as they have, although our troops have suffered amazingly: we have been often five or six days without bread, flour, or meal, and sometimes without meat, living on apples, green peaches, and green corn, when it was to be had in a barren thin-settled country. Now we are in hopes of faring better, if we can reach Camden. I am apt to believe the enemy will not stand there, and confine themselves to Charles-town.

## *Strength of Major-general GATES's army.*

|                            |        |
|----------------------------|--------|
| Maryland and Delaware line | 1200   |
| Caswell's militia          | — 2000 |
| Virginia                   | — 1400 |
| Rutherford's               | — 1100 |
| Armand's horse             | — 100  |
| Porterfield                | — 200  |

6,000

Deduct for desertion, &c. 500

5,500

- 1st. General Gates,
  - 2d. General de Kalbe,
  - 3d. General Caswell,
  - 4th. General Smallwood,
  - 5th. General Stephens,
  - 6th. General Gregory,
  - 7th. General Rutherford,
  - 8th. General Harrington.
- General Gatton coming on with 800 men at Cheraw-hill."

*From*

*From the Maryland Gazettee.*

The Honourable the Senate, having rejected the bill proposed by the House of Delegates, for the confiscation of British property, originated and sent to the House of Delegates a bill, of which the inclosed is a full abstract. I doubt not it will attract the attention of the public, as the object of it is evidently to preserve the property of our enemies. It was rejected by the Delegates without any debate, five members voting for it.

*Abstract of the Act for the security of the State and the subjects thereof, and for other purposes.*

*Pre mble.*

King and Parliament of Great-Britain prosecute a cruel and unjust war, upon pretence of rebellion.

The state and subjects thereof have considerable property in Great-Britain.

Sundry persons, in Great-Britain, claim property, of considerable value, within this State, and it is right and proper that every reasonable security for the claims of *this State*; and the subjects thereof, be taken and retained, and also that the *subjects of and residents in* Great-Britain (who claim property in this State) make their *election*, within a reasonable time, after notice, and become *subjects* of this State, and amenable to its laws, or, by neglecting to make such election, relinquish all claims of right to property within this State.

*Enacting Clauses.*

1st. Real and personal property (debts excepted) of British subjects, residents of Great Britain, and of inhabitants of Maryland, who since August 14, 1775, withdrew from, and deserted the defence of this country, who shall not come into the State, on or before the first day of May, 1781, and within twenty days thereafter, take oath of fidelity, &c. shall from and immediately after said twenty days, be taken, vested in,

and possessed by Commissioners, to be appointed by the legislature, and held and possessed by them as a pledge and security, *that justice be done by the King of Great-Britain, and his subjects, towards this State, and the subjects thereof.*

2d. Commissioners to pay annually the profits of such estates into the treasury, to be applied to sink and pay such part of the new bills of credit, to be issued under resolve of Congress, of the 18th of March, 1780, as may be the just proportion of this State.

3d. Such estates and property to be kept by Commissioners, and the profits thereof applied, as aforesaid, until the end of the war, or until the expiration of six years, from the 18th of March, 1780; and if the war shall not end in six years, then said estates and property to be sold, and the product thereof applied to the discharge and payment of all debts, and demands (according to the true *sterling* value thereof) due and owing by the *King of Great-Britain*, and his subjects, to this State, or the subjects thereof, and the surplus to be applied to the payment of such of the said bills of credit aforesaid, *as may be then in circulation*, and to such other purposes as the legislature shall direct.

*Proviso.*—British subjects, or residents of Great-Britain, if an infant, under 18 years, femme covert, or non compos, allowed *within six years* from the 18th of March, 1780, nine months after disability removed, to come into the State, and to take oath of fidelity, &c. Widow to have her dower of thirds, femme covert to have third part of the estate and property for life, to be assigned them at the time of taking such property.

4th. Commissioners to sell *perishable* articles, found upon, or belonging to, or of the produce of such articles, *at the time of taking the same,* and

and to render accounts thereof, and pay product thereof, into the treasury, to be applied to the purposes aforesaid, and accounts to be evidence of the value of such perishable articles.

5th. No alienation, or transfer *hereafter* made, by any *British subjects resident of Great-Britain*, or by any persons above described (absentees or refugees) shall be valid in law, unless such British subjects, &c. come to this State, and take the oath of fidelity, &c. within the time aforesaid.

*Proviso*—Act not to affect or damage. 1st. any person, who hath since the 19th of April, 1775, been, or may be employed by United States, or any of them, and manifested his attachment to United States, or any of them. 2d. Or any person who hath withdrawn from Great-Britain, with design to partake in the present revolution, and shall be certified by any minister of the United States, in Europe, to be a friend to America. 3d. Or to supersede, not to punish crimes, &c. (February sessions, 1777, cap. 20.) 4th. Or to prevent a trial of subjects of this State, who have committed treason, or any other crime, against this or any of the United States. 5th. Or to relieve persons liable to treble tax imposed by act for better security of government (October session 1777, cap. 20.) 6th. Or to confer on any person coming into the State, in consequence thereof, a right to hold any office of profit or trust, under this State, or to vote at any election, but such persons shall be for ever incapable of holding or exercising the said privileges.

6th. Whereas, since the late happy revolution quit-rents have ceased throughout the States, and it is inconsistent with the safety, liberty, and independence of this State, to acknowledge any superior or lord paramount, by continuing, reviving, Vol. X.

or permitting quit-rent to exist therein: *Be it declared*, that quit-rents have ceased, and of right ought to cease, and be for ever abolished.

7th. Governor and Council to transmit copies of act to the Commander in Chief, to be by him sent to Commander of British army, at New-York, and also to our Delegates in Congress, to be by them sent to the Minister of the United States, in France, that he may transmit the same to Great-Britain, to the end that all, who may be thereby affected, may have notice thereof.

*From the Maryland and Pennsylvania Journals of June last.*

*Extract from the Journals of Congress, March 21.*

“ A motion was made by Mr. Griffin, seconded by Mr. Burke, That the Resolution passed on the third day of December last, for the adjournment of Congress from the city of Philadelphia be repealed. A motion was made by Mr. Livingston, seconded by Mr. Schuyler, that the consideration thereof be postponed. On the question for postponing, the yeas and nays were required; it passed in the negative. On the question to agree to the resolution, the yeas and nays were required, and it passed in the negative.

“ A motion was made by Mr. Livingston, seconded by Mr. Matthews, that a committee of three be appointed to report a proper place where buildings may be provided for the reception of Congress, together with an estimate of the expence of providing such buildings, and the necessary offices for the several boards. On the question to agree to this, the yeas and nays were required, and it was resolved in the affirmative.

“ The members chosen, are Mr. Houston, Mr. M’Kean, and Mr. Livingston.”

*Annapolis, May 10.* On Tuesday last the General Assembly of this State adjourned the Senate to the 5th day of

O o

of June, and the House of Delegates to the 20th day of August next, after having passed the following laws:—

1. An act for the adjournment of the general court for the eastern shore.—2. A supplement to the act for recruiting the quota of troops of this State in the American army.—3. An act to aid the proceedings of the commissioners of the tax, and for other purposes.—4. An act to compel the attendance of the members of the General Assembly.—5. An act to vest an estate of inheritance, in fee simple, of certain lands in Anne Arundel county, in Basil Burges, of the same county, and to enable him to sell or otherwise dispose of the same.—6. A supplement to the act for erecting new warehouses in the town of Bladensburg.—7. An act for the relief of Robert Long.—8. An act to declare and ascertain the privileges of the subjects of France residing within this State.—9. An act for the relief of Henry Griffith, of Montgomery county.—10. An act to prohibit the going at large swine and geese in Queen's-town, in Queen Anne's county.—11. An act to revive and aid the proceedings of Calvert county court, and for other purposes therein mentioned.—12. An act to revive and aid the proceedings of Caroline county courts.—13. An act to raise a company of infantry to serve within the State.—14. An act to make valid a deed from George Conn to Josias Shaw, of Prince George's county.—15. An act to make valid a deed from Mary Athey to John Webster, of Prince George's county.—16. An act to encourage the destroying of wolves.—17. An act for the relief of several nonjurors.—18. An act to abolish for ever the payment of quit-rent.—19. An act for the adjournment of the General Court for the western shore, and of Dorchester county Court.—20. A supplement to the act, entitled, An act for securing the title of the pro-

prietors of lots and houses in Charles-town, in Charles county.—21. An act to continue the acts of assembly therein mentioned.—22. An act relating to the stores and necessaries heretofore granted to the officers of this State.—23. An act to enable the Judges of the Court of Appeal, to appoint a clerk.—24. An act for licensing and regulating ordinary keepers.—25. A supplement to the act for the assessment of property within this State.—26. An act for the relief of certain nonjurors.—27. An act relating to fines, forfeitures, and penalties, and to establish the allowance to witnesses, and fees of constables.—28. An act for the relief of Richard Colegate, and John Colegate.—29. An act to increase the allowances of justices of the peace and jurymen.—30. An act for the relief of certain collectors of the public assessment.—31. An act for the payment of the journal of accounts.

*Providence, May 20.*

*Extract of a letter from an officer in the American army, dated May 4, 1780.*

"On Thursday we were mustered and inspected by the Baron Stuben. We had likewise the honour of his Excellency's presence. The appearance of the troops, their arms, accoutrements, &c. drew the applause of that great man, who does honour to the name of soldier. The dignity of his manners, the elevation of his sentiments, and the nobility of his soul, speak him the first of characters. Did I ever mention to you an anecdote which respects him? For fear I never did, I'll relate it: His Majesty of Prussia, wishing to bestow some mark of his esteem on so exalted a character, sent him his picture; underneath were these words: "From the oldest General in Europe, to the greatest General in the world."

*Baltimore, May 23.* Congress have resolved, "That the papers and original affidavits relative to the capture of the brig Eagle, John Ashmead, commander,

commander, under a fort in the island of Saba, be filed in the office of the Secretary of the United States, in Congress assembled. That authenticated copies thereof, signed by the said Secretary, be transmitted to their High Mightinesses the States General of the United Provinces, by the Minister Plenipotentiary of these United States, at the Court of Versailles; and that he be directed to apply to them for their aid in procuring satisfaction for the loss of the said brig Eagle, and cargo; and for some assurance that the flag of the United States of America shall be protected from insult, when in the ports of the United Provinces."

A motion was lately made in Congress, by Mr. Matthews, and seconded by Mr. Holton, "That the thanks of Congress be returned to Captain Paul Jones, and the officers and seamen of the Squadron under his command, for their brave spirited conduct in the engagement with the *Scrapis* and Countess of Scarborough ships of war, on the — day of — last, and for the services rendered in the common cause, in the late expedition to the coast of Great-Britain."—This motion was referred to by the Board of Admiralty.

*Philadelphia, June 7.*

*In Congress, June 1, 1780.*

Resolved unanimously, That the thanks of Congress be given to the Legislature, and to the President and Supreme Executive Council of the State of Pennsylvania, for their ready attention to the matters, which the committee of conference laid before them, and the satisfactory measures they have taken in consequence thereof. Extract from the minutes,

CHARLES THOMSON, Sec.  
*In General Assembly of Pennsylvania.*

*Wednesday, May 31, 1780.*

Agreeable to the order of the day, the House went into the election of two Delegates in Congress, when

Jared Ingersol, and Timothy Matlack, Esquires, were chosen by ballot, in addition to John Armstrong, James Searle, James M<sup>c</sup>Cleane, and Frederick Mühlenburgh, Esq.

*Thursday, June 1, 1780.*

Whereas the exigencies, which may arise in a state of war, are frequently of a nature that require such sudden and extraordinary exertions, as are impossible for the Legislative Body to provide for by the ordinary course of law: therefore,

Resolved unanimously, That during the recess of this House, should the circumstances of the war make it necessary, the President, or Vice President in Council, be authorized and empowered, and they are hereby authorized and empowered to declare martial law, so far as the same may be conducive to the public security, and to the safety and defence of the good and faithful citizens of this Commonwealth. Extract from the minutes,

TIMOTHY MATLACK, Sec.  
Clerk of the General Assembly.  
*In Council, Philadelphia, June 6,*  
1780.

Whereas the residence of the wives and children of those persons who have joined the enemy, has at all times proved inconvenient to the public interests, in consequence of the correspondence and intercourse, which has been constantly observed, and as it is now become too dangerous to be longer permitted or connived at;

Resolved, That public notice be given to such persons, that they depart this State within ten days; and any of them remaining after that time, will not be deemed as entitled to any protection, but liable to be proceeded against as enemies of the State. Extract from the minutes,

TIMOTHY MATLACK, Sec.  
*In Council, Philadelphia, June 6,*  
1780.

Whereas in the present state of public

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public affairs, it may be necessary to make extraordinary exertions for the supply of the army, and supporting other measures, which may be adopted for the safety and security of the State in its freedom and independence; and it will be just and reasonable, that in the execution of such measures, a discrimination should be made between those who have made manifest their attachment to their country, in the present contest with Great-Britain, and those of a contrary character.—Whereupon,

Resolved, That it be recommended to all persons, who have shewn their allegiance to the State, by taking an oath or affirmation of fidelity to it, and of their abjuration of the King of Great-Britain, to keep their certificates thereof ready to be produced on the shortest notice. And to all persons who have lost their certificates, to obtain duplicates, or to give such assurances, so as to obtain certificates, or they may be in danger of losing the indulgence and distinction to which they are justly entitled. Extract from the minutes;

TIMOTHY MATELACK, Sec.  
From the *Newport Mercury*.  
*Newport, Aug. 12.*

On Monday the 21st ult. a committee from the Honourable General Assembly of the State, then sitting in this town, waited on his Excellency the French General, with the following address, viz.

“The Representatives of the State of Rhode Island and Providence Plantations, in General Assembly convened, with the most pleasing satisfaction, take the earliest opportunity of congratulating Count de Rochambeau, Lieutenant-general of the army of his Most Christian Majesty, upon his safe arrival within the United States. Upon this occasion, we cannot be too expressive of the grateful sense we entertain of the generous and magnanimous aid afforded the United States, by their illustrious friend and ally: sufficient had been

the proofs of his zeal and friendship; the present instance must constrain even envious, disappointed Britons, to venerate the wisdom of his councils, and the sincerity of his noble mind. We look forward with a most pleasing expectation to the end of a campaign, in which the allied force of France and these United States, under the smiles of Divine Providence, may be productive of peace and happiness, to the contending powers, and mankind in general. We assure you, Sir, our expectations are enlarged, when we consider the wisdom of his Most Christian Majesty in your appointment, as the commander of his army, destined to our assistance.

“Be assured, Sir, of every exertion in the power of this State, to afford the necessary refreshments to the army under your command, and to render the service to all ranks as agreeable and happy as it is honourable.”

To which his Excellency was pleased to return the following answer:

Gentlemen,

“The King, my master, hath sent me to the assistance of his good and faithful allies, the United States of America. At present, I only bring over the vanguard of a much greater force destined for their aid, and the King has ordered me to assure them, that his whole power shall be exerted for their support.

“The French troops are under the strictest discipline; and, acting under the orders of General Washington, will live with the Americans as their brethren; and nothing will afford me greater happiness than contributing to their success.

“I am highly sensible of the marks of respect shewn me by the General Assembly, and beg leave to assure them, that as brethren, not only my life, but the lives of the troops under my command, are entirely devoted to their service. (Signed)

The Count DE ROCHAMBEAU.”

The

The following is a perfect list of the French fleet under the Chevalier de Ternay, now at Rhode Island:

| Ships names.             | guns. | men. | commanders.        |
|--------------------------|-------|------|--------------------|
| Le Duc de Bourgogne, -   | 84    | 1200 | Admiral de Ternay. |
| Le Neptune, - -          | 74    | 700  | Destouches.        |
| Le Conquerant, - -       | 74    | 700  |                    |
| L'Eveille, - - -         | 64    | 600  | De Tribiand.       |
| Le Province, - -         | 64    | 600  | C. B. de Mesigny.  |
| Ardent, (olim British) - | 64    | 600  |                    |
| Le Jason, - - -          | 64    | 600  |                    |

La Fantasque serving as an hospital ship.

Frigates.

|                           |    |     |                  |
|---------------------------|----|-----|------------------|
| La Surveillante, -        | 40 | 300 | De Caillet.      |
| L'Andromaque, - -         | 36 | 250 | De Ronevel.      |
| La Sibella, - - -         | 36 | 250 | Bar. de Clugney. |
| La Hermione, - -          | 36 | 250 | De la Touche.    |
| Pelican, American vessel, | 20 | 160 |                  |

Armed ships.

|                   |   |   |            |
|-------------------|---|---|------------|
| Le Bruen, - - -   | — | — | Des Arros. |
| La Complaise, - - | — | — | De Noulds. |

The land forces consist of  
Regiment de Bourbonnois,  
de Royal Deux Ponts,  
de Saintonge,  
de Soissonois,

Legion de Laufun,  
1st battalion of artillery.

The frigates are to go out on a cruize.

The Chevalier de Ternay, Admiral of the French fleet now at Rhode Island, was Chief d'Escadre, in May 1762, when he sailed from Brest, in the Robuste, of seventy-four guns, with the Eveille, of sixty-four, the Garonne of forty-four guns, and the Licorne of thirty, conveying the Comte de Housonville, with one thousand five hundred soldiers, and secured possession of St. John's, Newfoundland, garrisoned by sixty-three men, which they took on capitulation, and held until the September following, when the present General William Amherst, with eight hundred men, partly convalescents, joined Lord Colville; who, with one ship of the line, and a frigate only, blocked up the French fleet in the harbour of St. John, until a violent gale of wind drove Lord Colville a considerable distance from the coast, in whose absence the Chevalier, in a thick fog, slipped his cables, and

made his escape; so that on the 18th of September, the Comte surrendered himself and his garrison, among which were a body of French grenadiers, prisoners of war. This service was effected without the loss of above twenty British soldiers.

*New-York, Aug. 20.* Major-general Pattison's ill state of health obliging him to relinquish the command of the city and garrison of New-York, his Excellency, Lieutenant-general Robertson, who commands the district, takes upon him the duties hitherto exercised by Major-general Pattison.

*New-York, Aug. 23.* By his Excellency Lieutenant-general J. Robertson, &c. &c. All orders and proclamations issued by the general officers who have commanded in this city, are to be considered as in full force.

THO. MURRAY. Aid-de-Camp.

Philadelphia.

*Philadelphia, July 10.* The errand of the three French ships which lately anchored in the road of St. Eustatia, appears to be the safe conducting to windward of a large supply of provisions (15,000 barrels it is said) laid in by the Dutch traders for the use of his Most Christian Majesty's forces. These French ships, with their charge, had left the island after three day's stay. Whilst the provisions were preparing, the French officers were treated with great attention, and, on their departure, the Dutch Commodore weighed his anchors, and accompanied them for some distance from the island.

*July 18.* Last Sunday arrived at Chester, a flag from Bermuda, with forty prisoners.

Letters from Virginia advise, that the Lower House of Assembly of this State, have voted their ratification of the boundary lines between them and Pennsylvania, as adjusted by the Commissioners from the two States, who met in Baltimore in August last. As there is no reason to believe the Senate of Virginia will refuse their concurrence, we venture to congratulate the public on the prospect of an amicable closure of a debate which produced anarchy and confusion within the controverted territory, and which weakened the common cause.

*New-London, July 21.* His Excellency the Governor has issued a proclamation, strictly prohibiting the transportation out of this State, by land or water, any butter or cheese, turnips, potatoes, onions, or any other vegetables or roots; except by persons properly authorized for that purpose.

*Newport, July 29.* The British fleet of sixteen or seventeen sail, which have been off Block-Island for some time past, remained nearly in the same situation the day before yesterday, since which the weather has been so thick, only three have been discovered from hence.

His Excellency Governor Trumbull, of Connecticut, has issued a proclamation, recommending and strictly enjoining it upon all officers, civil and military, and other persons, as they regard their own and country's safety, at this critical juncture of our public affairs, to take up, and stop all persons unknown, and others suspected to be inimical, travelling in that State, without proper certificates, conformable to an act of the General Assembly of that State, entitled, an act to prevent traitorous conspiracies against that, and the United States of America, and to proceed against them according to the direction of said act.

*Boston, July 27.* The sum total of the donations received by the ladies of Philadelphia, in their several districts, for the soldiers of the American army, amounts to three hundred thousand seven hundred and sixty dollars. An example truly well worthy of imitation!

*Newport, August 5.* It is almost impossible, says a correspondent, to conceive the spirit and ardor of the country, in pushing forward to meet the enemy on Rhode-Island, should they be so daring as to attack it. There is now about ten thousand fine militia and about six months men about the north end of the island, and might have been twenty thousand before this, had they not been stopped coming in.

The people belonging to the French transports have, to a man, voluntarily agreed to act in the numerous forts and batteries on this island, &c. in case the enemy should make an attempt on the same.

The great and small artillery landed by our generous allies, and disposed in different parts of this town and island, exceed any thing of the kind ever seen here. They have brass cannon, from four to forty-eight pounders, and in great plenty.

*A letter*



*A letter from an officer of the American army, at Head Quarters, Prucaness, dated July 22, 1780, contains the following, viz.*

"The following is an extract from General orders: It is recommended to the officers of the American army, to have black and white cockades, a black ground with a white relief, emblematic of the expected union of the two armies.

*Head Quarters, July 20, 1780.*

"The Commander in Chief has the pleasure to congratulate the army on the arrival of a large land and naval armament, at Rhode-Island, sent by his Most Christian Majesty, to co-operate with the troops of these States against the common enemy; accompanied with every circumstance that can render it honourable and useful: the generosity of this succour, and of the manner in which it is given, is a new tie between France and America. The lively concern which our allies manifest for our safety and independence, has a claim to the affection of every virtuous citizen. The General, with confidence, assures the army, that the officers and men of the French forces came to our aid, animated with a zeal founded in sentiments for us, as well as in duty to their Prince; and that they will do every thing in their power to promote harmony and cultivate friendship: he is equally persuaded on our parts, we shall vie with them in their good disposition; to which we are excited by gratitude, as well as by a common interest; and that the only contention, between the two armies, will be to excel each other in good offices, and in the display of every military virtue; this will be the pledge of the most solid advantage to the common cause, and of a glorious issue to the campaign."

*Baltimore, Aug. 11.* The House of Delegates of the State of Virginia, on the 6th inst. passed a resolution, which was agreed to by the Senate, to oblige the members of the General

Assembly to give unequivocal proofs of their attachment to the cause of America.

*Philadelphia, Aug. 8.*

*Extract of a letter from Paris, March 27, 1780.*

"The art of war is so well and so equally understood by the great nations of Europe, and they are so equally furnished with Statesmen, Generals, Admirals, and other officers capable of conducting it well, that it is now generally considered as a contest of finances; so that the nation which can the longest find money to carry on the war, can generally hold out the longest.

"The French and Spanish nations are probably as well stored with politicians and warriors as the British, and it is very certain they have an immense superiority in wealth. The French King has not yet laid any new imposition upon his subjects; whereas the English have ever since 1774 been laying on, without mercy or distinction, additional taxes."

*Monf. LA TOUCHE, Commander of his Most Christian Majesty's ship Hermione, having sent a letter, in the French language, to Captain HAWKER, Commander of his Britannic Majesty's ship Isis, respecting the engagement between those two frigates the 7th of June—The following is a translation of Captain DE LA TOUCHE's letter, with Captain HAWKER's answer to the same.*

#### TRANSLATION.

*On board the French frigate-Hermione, June 22, 1780.*

It is with equal surprize and indignation that I read in the New-York Gazette of the 10th instant, the article which relates to our engagement on the 7th. I do not believe that a Captain in the British navy can so far forget what is due to the dignity of his character and to truth, which is the foundation of all military virtue, as to have recourse

to the grossest impositions, and to endeavour by the vilest means to establish as a truth, that he gained an advantage which he never had, over his enemies.

I flatter myself in the belief, that the Gazetteer Rivington has followed upon this occasion, his natural inclination, to misrepresent all facts, and to state lies as truths; if it is so, his assertions merit only my contempt; but I shall expect, from your justice and equity, to state the affair in a proper point of view, as you ought to do, Sir, when assertions so false have been advanced, as that of my pretended flight, and the appearance of an American frigate towards the end of the action.

In the account of which I sent to the Court of France, I have done the strictest justice to your readiness to engage, and to the officer-like manner in which you began the fight; indeed it excited my esteem for you, and I shall regret having reason to alter this first sentiment, if you do me not the justice which is due to me. From the instant I first saw you, I determined to attack you, I advanced towards you in consequence, you spared me half the trouble by meeting me, you manœuvred before and during the action, as a man worthy to be trusted with the command of so fine a frigate: but if you assert that I fled from you, you impose upon yourself, and you know me little. I have never yet incurred the shame of retreating from an enemy of equal force, nor will I ever.

Your shot having damaged my rigging, as mine had your hull, I was unable to keep the wind and renew the action; your ship was in a better state for service than mine, and when I heard that you kept your luff, I attributed your retreat to the number of men you must have lost, of which I was persuaded, because your fire had slackened. Having

formed this opinion, you may judge of my surprize when I saw in the same Gazette, you had only 7 men killed and 9 wounded. I am more candid than you, Sir; I confess to have 10 killed, and 37 wounded, two of my officers and self are among the latter. You see that I hesitate not to speak the truth, because I am on this occasion superior to reproach.

I shall close my letter with a professional observation, that if your men and your ship suffered less than mine, you could have no solid reason for discontinuing the combat, seeing the distressed state to which I was reduced, and my utter inability to chase and follow you; while on the other hand your situation was such, as enabled you to avail yourself of a favourable wind to get off—You have either then disingenuously concealed your losses, or having suffered so inconsiderably, must be deficient in spirit, by declining the contest with the advantages that fortune had given you over me.—You know well there was no American frigate in fight.

In this dilemma, I shall suspend judgment of your abilities, till you have explained your motives, or we should meet to try again the fate of war, which I swear to you I ardently desire.

In the mean time, I shall remain with the sentiments your first conduct inspired me with,

Sir, your most humble, &c.

(Signed) DE LA TOUCHE.

To Captain Hawker.

From his Britannic Majesty's Frigate  
*Iris*, July 20, 1780.

SIR,

It was rather with sentiments of surprize than resentment, that I read your's of the 22d ult. I, however, intend this to go by the first opportunity to own the receipt of it, and to say, in answer, that I am not accountable for the several different reports in the public gazettes, relative

tive to our engagement on the 7th ult. but in a subsequent paper of Mr. Rivington's, there was a pretty just account of it, which, perhaps, might not have come to your hands; and as you are desirous of having the particulars of the action from me, the following is a copy of my letter of the detail I gave of it, as it appeared to my officers, ship's company and self, to Vice Admiral Arbuthnot, our Commander in Chief on the American station:

"On the 7th instant, being in chase of two vessels, which I conjectured to be privateers, a ship was discovered on the lee-beam of the Iris, on the opposite tack, the weather being extremely hazy, I instantly wore ship, and stood towards her, which I had no sooner done, than she tacked and stood towards the Iris, and, at about a musket shot, she hoisted French colours; we passed very close to each other, and exchanged broadsides, and directly after, both ships wore, and met going large; we continued a close action under our topsails, which lasted an hour and twenty minutes, when the French frigate, for such she proved to be, and is called the *Hermione*, made sail from me, by setting her courses, and very soon after had two gallant studding sails. I made all the sail possible in pursuit of her, but the *Iris* was very much damaged in her rigging and sails, and most of her studding sail booms and geer shot away, so that the frigate went from us very fast; however, I continued the chase with top-gallant sails set, about three quarters of an hour, when a strange sail was seen a-head, it being still extremely hazy, the frigate soon after firing a gun, and hauling towards her, I concluded it was a private signal to the stranger, which I, from that circumstance, imagined was her consort; I therefore hauled upon a wind, in doing which the fore top-sail yard went

away, and the main-mast, fore-mast, and bow-sprit, would inevitably have gone also, had not the water been extremely smooth, as there were several large shot through each of them. The *Iris* had 7 men killed, and 9 wounded; among the latter is Lieut. Bourne, of the Marines, and one since dead. The *Hermione* is of 36 guns, and appeared to be very much shattered in her hull."

I must observe to you, Sir, the *Iris* carried only 32 guns, and that this is as perfect an account of our action as is in my power to give; and as you were pleased to say you ardently desired to try again the fate of war with us, shall only reply, that if our ships should meet, I hope the *Hermione* will not find any deficiency of spirit from the *Iris*. Your being wounded, I imagine, prevented in some degree your attention to the latter part of the action.

I am well informed, the ship we saw was an American, and who took a snow that was under my convoy from New-York, and was in sight during the action, and as we were obliged to lie by to refit, she parted from us to proceed on her voyage, but was followed by the above ship, and taken in a few hours after.

Governor Paterson, of the Island of St. John's, and Captain Bayard, of the *Orange Rangers*, were on board the *Iris* in the action, and are witnesses to the truth of this detail, and of the *Hermione's* making sail from the *Iris*.

As you published your letter to me in the New-England papers, I shall in consequence publish this in the New-York Gazettes.

I am, Sir, your most obedient  
humble servant,

(Signed) JAMES HAWKER,  
Commander of his Britannic Majesty's frigate *IRIS*.

— DE LA TOUCHE, Esq.  
Commander of his Most Christian Majesty's frigate *HERMIONE*.  
P P This

This is to certify, that I, Robert Thompson, of the city of New-York, merchant, being a passenger on board the *Snow Diana*, was an eye-witness of the above action, on the conclusion of which I saw the *Hermione* make sail from the British frigate *Iris*, who immediately pursued the *Hermione*, and continued the chase full half an hour.

ROBERT THOMPSON.  
*New-York, Aug. 22, 1780.*

*From the Pennsylvania Packet,*  
*Aug. 1, 1780..*  
*Head-Quarters (Bergen County)*  
*July 26, 1780.*

SIR,

Having received information that there were considerable numbers of cattle and horses on Bergen Neck, within reach of the enemy, and having reason to suspect that they meant shortly to draw all supplies of that kind within their lines, I detached Brigadier-general Wayne, on the 20th, with the first and second Pennsylvania brigades, with four pieces of artillery attached to them, and Colonel Moyland's regiment of dragoons to bring them off. I had it also in contemplation to attempt, at the same time, the destruction of a block-house, erected at Bull's Ferry, which served the purposes of covering the enemy's wood-cutters, and giving security to a body of refugees, by whom it was garrisoned, and who committed depredations upon the well-affected inhabitants for many miles round.

General Wayne having disposed of his troops in such a manner as to guard the different landing places on the Bergen shore, upon which the enemy might throw over troops from York-Island to intercept his retreat; and having sent down his cavalry to execute the business of driving off the stock, proceeded with the first, second and tenth regiments, and the artillery, to the block-house, which

he found surrounded by an abattis and stockade. He for some time tried the effect of his field pieces upon it, but though the fire was kept up for an hour, they were found too light to penetrate the logs of which it was constructed. The troops, during this time, being galled by a constant fire from the loop-holes of the house, and seeing no chance of making a breach with cannon—those of the first and second regiments, notwithstanding the utmost efforts of the officers to restrain them, rushed through the abattis to the foot of the stockade, with a view of forcing an entrance, which was found impracticable. This act of intemperate valor was the cause of the loss we sustained, and which amounted in the whole to three officers wounded, 15 non-commissioned and privates killed, and 46 non-commissioned and privates wounded. The wounded officers are, Lieutenants Hammond, and Crawford, of the first, and Lieutenant D'Hart of the second, the last since dead. I cannot but mention his death with regret, as he was a young gentleman of amiable qualities, and who promised fair to be serviceable to his country.

The dragoons, in the mean time, drove off the stock which were found in the Neck; the sloops and wood-boats in the dock, near the block-house, were burnt, and the few people on board them made prisoners.

I have been thus particular, lest the account of this affair should have reached Philadelphia much exaggerated, as is commonly the case upon such occasions.

I have the honour to be,  
with the greatest respect, Sir, your  
Excellency's most obedient servant,

GEORGE WASHINGTON.

His Excellency

SAMUEL HUNTINGTON, Esq.

Published by order of Congress,

CHARLES THOMSON, Sec.

*From*

*From the Pennsylvania Packet.*

*Philadelphia.*

*An Act to suspend the operation for a limited time of the several laws of this Commonwealth, for making the Bills of Credit of the United States a legal tender in the payment of debts, equal to gold and silver.*

Whereas certain of the bills of credit, emitted by the Honourable Congress of the United Colonies or States of America, have hitherto been, by the laws of this State, a legal tender in the payment of all debts, dues, and contracts, equal to gold and silver: and whereas the total repeal of the said acts, or the farther continuance of the said bills as a legal tender, equal to gold and silver, might, in the present situation of affairs, be attended with many and great inconveniences: for remedy whereof, and until some mode more suited to the interest and circumstances of the parties concerned be devised,

Be it enacted, and it is hereby enacted, by the Representatives of the Freemen of the Commonwealth of Pennsylvania, in General Assembly met, and by the authority of the same, That from and after the passing of this Act, so much of the several acts of Assembly of this State, as make the said bills of credit a legal tender, equal to gold and silver, shall be and they are hereby suspended for and during the space of three months, and from thence until the end of the next sitting of the General Assembly.

Provided always, That this Act, nor any thing herein contained, shall extend or be construed to extend any debt, contract, bargain or agreement, had, made, or entered into since the first day of November, one thousand seven hundred and seventy-nine, or to any debt or demand whereupon any distress may be made, or upon which any action or suit shall be commenced in any court of law

within this State, or to any sheriff, attorney in law, or fact, executor, guardian, or other person having received money by legal authority in right of another; but that it shall and may be lawful to make payment in all such cases, as might have been done before the passing this Act.

JOHN BAYARD, Speaker.

Enacted into a law at Philadelphia, on Wednesday the thirty-first day of May, one thousand seven hundred and eighty.

THOMAS PAINE, Clerk of the General Assembly.

*In Congress, January 15. 1780.*

Resolved, That a Court be established for the trial of all appeals from the Court of Admiralty in these United States in cases of capture, to consist of three Judges, appointed and commissioned by Congress, either two of whom, in the absence of the other, to hold the said Court for the dispatch of business:

That the said Court appoint their own Register: that the trials therein be according to the usage of nations, and not by jury:

That the said Judges hold their first sessions as soon as may be at Philadelphia, and afterwards at such times and places as they shall judge most conducive to the public good, so that they do not at any time sit farther eastward than Hartford in Connecticut, or southward than Williamsburgh in Virginia.

May 24. Resolved, That the stile of the Court of Appeals appointed by Congress be "The Court of Appeals in cases of Capture."

Resolved, That the Judges and Register of the said Court shall respectively take an oath of office before they enter upon the duties of the same.

That the oath of the Judges be in the words following:—"You do swear, or affirm, that you will well, faithfully, and impartially execute the office of one of the Judges of the

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Court

Court of Appeals in cases of Capture, according to the best of your skill and judgment. So help you God."

That the oath of the Register of the said Court shall be in the words following: "You do swear, or affirm, that you will well and faithfully execute the office of Register of the Court of Appeals in cases of Capture, according to the best of your skill and judgment. So help you God."

That the Judges of the said Court shall be qualified in the manner aforesaid before the President of Congress, and certificates thereof lodged in the office of the Secretary of Congress; and that the Register shall be qualified before the said Judges, and certificates thereof lodged in the said Court of Appeals.

Resolved, That appeals from the Courts of Admiralty in the respective States be as heretofore demanded within five days after definitive sentence; and in future such Appeals be lodged with the Register of the Court of Appeals, in cases of Capture, within forty days thereafter, provided the party appealing shall give security to prosecute such appeal to effect.

Resolved, That all matters respecting appeals in cases of capture now depending before Congress, or the Commissioners of Appeals, consisting of members of Congress, be referred to the newly erected Court of Appeals, to be there adjudged and determined according to law; and that all papers touching appeals in cases of capture, lodged in the office of the Secretary of Congress, be delivered to and lodged with the Register of the Court of Appeals.

Extract from the Minutes,

CHARLES THOMSON, Secretary.  
Congress have elected the Hon. William Paca, Esq. the Hon. Titus Hosmer, Esq. and the Hon. Cyrus Griffin, Esq. Judges of the above Court.

*Extract of a letter from an intelligent gentleman in the neighbourhood of Morris-town, June 9, 1780.*

"Although extremely fatigued, I catch a moment to inform you, that I have just returned from Elizabeth-town, where I have been reconnoitering the enemy's situation and strength!

"To give you any tolerable idea of their ravages and cruelty, is beyond my descriptive abilities. They came out in force on Tuesday night and Wednesday morning, and landed in Elizabeth-town before day. Most observers differ in the account of their numbers; from my own observation, I suppose them about 5000, with 17 pieces of artillery, and every preparative for a lengthy march.

"They advanced to Connecticut Farms, about five miles distance, very early in the morning of Wednesday; and although they observed great discipline and decorum in Elizabeth-town, yet at the Farms every step was marked with wanton cruelty and causeless devastation. They set fire to and entirely destroyed the Presbyterian church, and fourteen dwelling-houses and barns; so that there are (I think) but two dwelling-houses remaining in that fertile settlement. But, alas! Sir, this is only one part of the horrid scene!

"In this neighbourhood lived the Rev. Mr. James Caldwell, whose zeal and activity in the cause of his country had rendered him an object worthy of the enemy's keenest resentment.

"His vigilance and attention had always evaded every attempt to injure him, and therefore it was now determined to wound him in an unguarded part. Following the absurd principles of too many of our incautious countrymen, he left his wife and family at home, trusting to the politeness and humanity of the enemy towards an amiable woman, and a number of helpless and innocent children,

children, though he did not think it prudent to trust them with his own safety. He had been warned of their utmost hatred to him, and therefore dissuaded from leaving his family in their power; but, alas! his confidence in their benevolence towards the helpless, has been his destruction. Soon after their possessing themselves of the neighbourhood, a foldier came to the house, and putting his gun to the window of the room where this worthy woman was sitting (with her children, and a maid with an infant in her arms along-side of her) he shot her through the lungs dead on the spot. Soon after an officer with two Hessians came in and ordered a hole to be dug, and her body thrown in, and the House to be set on fire.

At the earnest request of an officer of the new levies, and with some difficulty, the body was suffered to be carried to a small house in the neighbourhood, and Mr. Caldwell's dwelling house immediately set on fire, and every thing belonging to him consumed together. The only comfort arising to this afflicted family is, that the wretch who served as the executioner of this murdered lady (who from her excellent character deserved a better fate) did his business so effectually, that she lost her life without distress or pain. Thus it is, that even the tender mercies of the wicked are cruelty. This melancholy affair, with their cruel burnings, has raised the resentment of the whole country to the highest pitch; they are ready almost to swear an everlasting enmity to the very name of a Briton. So far is this cruelty and devastation from terrifying to submission, that it rouses the most timid to feats of desperate heroism.

*Translation of the King of Spain's Edict concerning the loan of three millions of piastres, &c.*

Don Carlos, by the grace of God King of Castile, Leon, and Arragon,

&c. &c. To all my well beloved and trusty Counsellors, to Presidents and Auditors of my Audiences and Chanceries, to the Alcades and Alguazils, of my Court of Household, and to all the Corregidores, Assistants, Governors, Alcades, superior and ordinary, and other Judges and Justices whatsoever, as well Royals as Seigniorials, Episcopals or of religious orders, present and to come, and to all other persons of whatever rank, dignity, and quality they may be, or might be, in all cities, towns, and places of my kingdoms and seigniories, whom the tenor of this, my present royal Edict, may concern in any manner whatever, greeting.

Be it known unto ye all, That my royal attention has for some time been directed to facilitate the means of fulfilling the obligation of state, without charging my subjects with new taxes, and to contribute at the same time to the augmentation and advancement of the interior commerce of my kingdoms, which is one of the principal branches by which the nation receives its maintenance, and the necessary means to arrive at the highest degree of its welfare, *without exposing my royal treasure and my subjects' to the loss, by the risks of the present war, of the great sums of money now detained in my dominions in North and South America.*

For this reason I have thought proper, after mature deliberation with my Ministers and other intelligent persons, equally zealous for my service as for the national welfare, to accept the proposition which has been made unto me by several commercial houses, well known and established in my dominions, and by which they have offered to remit into my royal treasure, the sum of nine millions of piastres, á 128 quartoes per piastre, in ready money, or bills payable in the same specie, as a loan reimbursable at the will of my royal pleasure, within the term of twenty years, with

with interest, at the rate of four per cent. per annum. To this end I have given orders to issue 15,000 bills, of 600 piaſtres each, at the rate of 128 quartoes per piaſtre, for the ſaid ſum and amount of this ſtipulated commiſſion, which bills ſhall bear one walloon intereſt per diem, or 361 reals per annum, which is equivalent to the ſtipulated intereſt of four per cent. per annum; and which bills ſhall be depoſited in my general treaſury, as an effective capital, in order that my chief treaſurer, after having entered the whole amount thereof to his charge, may deliver the ſaid bills unto the ſame commercial houſes, or ſuch part thereof as ſhall balance the effective capital which they ſhall have remitted, the payment whereof is to be effected into the hands of the treaſurer in ordinary, in the ſame manner as all others. In conſequence thereof, the ſaid commercial houſes ſhall be authorized to employ the ſaid bills in circulating them throughout the whole kingdom, there to have courſe in commerce and where they are to be taken, as well as in all royal offices and treaſuries, in the ſame manner as effective ſpecie, ſubject however to be renewed every year in my general treaſury, until my ſaid royal treaſury ſhall effect the extinction thereof by the reimbursement of the ſaid capital; which reimbursement, as has been mentioned before, ſhall take place within the term of twenty years, in withdrawing every year a certain number of theſe bills, proportionable to the amount of the whole, without prejudice to the exact payment of the intereſt which ſhall become due annually.

And of theſe annual payments, as well of the payment as the intereſt, my chief treaſurer is hereby ordered to keep a ſeparate account, in carrying equally to his annual account, and under particular rubricks, all the payments he ſhall have made, as

well of one as of the other ſort, with the requiſite verification, and according to the eſtabliſhed rules for all other payments of my royal finances; obſerving moreover, beſides all that has been mentioned above, the rules and diſpoſitions agreed upon with the aforeſaid commercial houſes, and which have been communicated to my Privy Council, with my royal reſolution, contained in the ordinance ſigned by me on the 30th of Auguſt laſt, in order that after due examination of the ſame, my ſaid Council might iſſue the neceſſary edict; which royal ordinance having been duly publiſhed in Council on the firſt of this month, the obſervation and execution thereof has been properly ordered; and being remitted, to that effect under my three Fiſcals, and ſeeing afterwards what they have expoſed in anſwer thereto on the 3d inſtant, together with my royal approbation, my ſaid Council have accordingly iſſued this preſent edict.

For theſe reaſons I deſire, and it is my will and pleaſure, that to avoid all trouble in the courſe of theſe bills reſulting from this negociation of nine millions of piaſtres, concluded with the aforeſaid commercial houſes, conformable to my royal reſolution above-mentioned; all the rules and diſpoſitions agreed with the ſaid commercial houſes, ſhall be obſerved in the following manner:

ART. I. The remittance of the ſaid nine millions and nine hundred thouſand piaſtres being duly effected, either in the whole or in part, into my general treaſury, under a receipt which is to be given by my chief treaſurer, in conjunction with the caſhier. Reimbursement ſhall be made unto the ſaid commercial houſes of the ſum, to which their remittance and the premium of their commiſſion ſhall amount, by a proportionate number of bills of 600 piaſtres each, à 128 quartoes per piaſtre, which are to be iſſued at the time fixed, or to be



be fixed hereafter; and which bills are to bear interest one real per diem, or 361 reals, each bill per annum, which is equivalent to four per cent. and which interest shall commence on the first day of October next, and shall become due on the 26th of September of the next following year, and so for the future.

ART. II. The said bills shall be printed, and shall bear the distinctive mark of being issued by the Lord the King, and shall be numbered from No. 1, to No. 16,500, and besides the seal or cypher, which is to be put to each of them, and which shall be a different one every year, they shall be signed by the present chief treasurer Don Francisco Montes, and by the cashier of the general treasury, Don Domingo de Marcoleta. These bills shall contain the name of the person, to whose order they are issued, as well as the year during which they are to be in circulation, as it is understood they are to be renewed every year, at the same time when the interest due upon them shall be paid to those who shall then be the bearers or proprietors of them, and when they are again to be signed by the chief treasurer and by the cashier of the general treasury for the time being.

ART. III. All the said bills being made out at the time fixed, and after the receipt of the amount of the remittance in effective specie, shall have been presented unto the cashier of the general treasury, to be by him kept and entered into his books, as also after the chief treasurer shall have entered the amount of all the said bills to his charge, remittance shall then be made by the said cashier, to the person properly authorized by the said commercial houses to receive the same, of the number of bills forming the equivalent of the effective sum which they shall have furnished, as well as of the amount of their commission; and the bills shall

be made to the order of those as shall be indicated by the person so authorized, who shall give a formal receipt for the same: which receipt being countersigned by the cashier of the general treasury, shall be a sufficient voucher for the chief treasurer for passing his accounts. And in case the remittance of the total of the said nine millions should not be made by the said commercial houses, the rest of these bills shall remain in the general treasury, as effects belonging thereto, to be given in payment and distributed whenever it shall appear necessary and convenient; the same as may be done by the said commercial houses with the bills belonging unto them.

ART. IV. For the greater security of the commerce, and such other persons as shall acquire the said effects of credit or bills, it is hereby ordered to receive the same for the full amount of their respective capitals and the interest due upon them, as well in the general treasury, as in that of the army, of the general and provincial revenues, boards, and offices, as well near the court as elsewhere, either in payment of taxes and royal imposts, or any other debts and demands in favour of my royal finances, in the same manner as if the payment was made in effective, lawful, and current coin of my kingdom.

ART. V. Consequently all my subjects and other inhabitants of my kingdoms, of what rank, condition, and dignity soever they may be, shall be equally obliged to receive the said bills in the same manner, with the interest due thereupon, at all times when they shall be offered unto them, in any of the above-mentioned royal treasuries, boards or offices, in payment of any demands, of what nature soever, they may have upon my royal finances, as it is understood, by what has been mentioned above, that they are to be considered as ready cash, and as effects

fects circulating in commerce, without any obstacle or hindrance whatever. From this general rule shall only be excepted, such payments as are made in my said royal treasuries, boards and offices, for salaries, pensions, and appointments to the ministers, the troops, and other persons of my royal house; and no person, comprehended in any of these classes shall be forced to receive the said bills in payment of what they have to receive, either annually or monthly, under the title of salary or pension, unless they accept the same of their own accord.

ART. VI. The same exception and liberty to take the said bills with their interest, or not, shall likewise extend to all ranks of working people, artificers, shopkeepers, journeymen, day-labourers, domestics, and all those who are employed in any retail trade, for all what regards their wages and salaries, as also the buying and selling by retail, or for all other daily occurrences with individuals of the said classes; so that they shall not be forced to receive the said bills in payment, unless they consent to do it, with full knowledge of the same, and of their own accord; as it is essentially necessary, that all what regards the daily subsistence, and all retail trades, should be paid in real and current coin as heretofore.

ART. VII. At all times, when the said bills and their interest are transferred from him, to whose order they are made, into other hands, for what motives soever it may be, the same shall be testified by an indorsement on the back of each bill, in the same manner as is customary with bills of exchange; and whoever shall be the bearer or proprietor of the same, at the end of the year, during which they are in circulation, shall be obliged to bring them each year, from the 20th day of September, to the 15th day of October next

following, into the General Treasury, as well to receive the interest of three hundred and sixty-one reals, due upon each bill, as also to have the new ones, which are to serve the next year, made out to his order; it being understood, that these bills shall only have course during one year, and always with a different seal or cypher, in order to prevent their being counterfeited; as it is to be well observed, that the bill or bills, which shall not be presented each year within the time above-mentioned, to be renewed, and to receive the interest due thereupon, shall be considered extinct, and reimbursed by this act.

ART. VIII. Such proprietors of these bills, as reside at a distance from the Court, may bring them within the time fixed by the preceding article, to the different treasurers of the army, where they shall be paid the interest for the year due upon them, and from whence the said bills shall be sent to the General Treasury, there to be renewed and replaced by others, to the order of those who were the proprietors of the old ones, at the time of their being presented, according to the last indorsement that shall appear on the back of them, so that the said proprietors may make convenient use of the same, during the course of the next year; and the different treasurers of the army shall give a receipt at interim to the proprietors of these bills, which receipt shall be returned by them, when they receive their new bills; but in case the said proprietors, either on account of the great distance, or any other motive, could not or would not bring these bills to the said treasuries or offices, they may send them by a commissioner, or any other person properly authorized, to the General Treasury, provided the same be always done within the time above-mentioned.

ART.

ART. IX. Each proprietor shall be at full liberty to make what use he pleases of these bills, either in keeping them all the year round in his hands, to enjoy the interest which shall become due upon them, and which he may receive at the term fixed, and at the same time when the bills shall be renewed for his use during the next following year, or in giving them in payment of any debt whatever; he may have contracted, or in negotiating them, as may be most convenient, (without, however, altering in the least the value of these bills, which shall always be of six hundred piastres, a hundred and twenty-eight quarters per piastre each, with the interest fixed, here above) and in the same manner as he would or might do with any other effects, or with the same sum in ready cash, which these bills are intended to, and actually shall, represent.

ART. X. For that reason no person whatever, excepting only such as have been mentioned in the articles V. and VI. shall excuse himself from receiving the said bills for their full value, and the interest due upon them, in payment of all debts whatever, contracted by the proprietors of the same, as well by means of any reward, notes, bills of exchange, or any other obligations whatever, and of what nature soever they may, or might be; and, notwithstanding the payment should have been stipulated to be made in gold or silver, observing always, that the said bills, as well as the interest due thereupon, are to be considered and taken as real and current coin: consequently it shall not be permitted to protest any bill of exchange for want of payment, whenever the same has been offered, by means of these bills; and all public persons are hereby strictly forbidden to lend their authority or assistance, for protesting any bill of exchange in the like case. I declare moreover, that if any merchant re-

fuses to accept the said bills, or if he attempts to throw the least discredit upon them, either by devolution of any bills of exchange, or by any other direct or indirect means, he shall be banished from my kingdoms, without ever being permitted to re-enter the same; nor to have therein any commerce or transaction, either directly or indirectly.

ART. XI. All conveyances or transferring of the said bills, with the interest due thereupon, which shall be as many *velon* reals as there shall be days past until that of transferring, exclusively, shall be made by means of indorsement; on the back of the said bills, in the same manner as it is done with bills of exchange, without, however, making the indorser thereby responsible for the same, any farther than in cases of forgery or falsification. And in order to prevent these, it shall be the duty of every person who receives one of these bills from the hands of a third, to enquire after him who has made the last indorsement or conveyance, and to procure the best information he possibly can, concerning the authenticity of his seal, his mark, signature and hand-writing; and, if the indorser is a foreigner, he shall enquire at the place from whence the payment is made, in the same manner as it is customary in commerce, for the payment or reimbursement of bills of exchange; which precautions shall be obligatory and lawful for all treasurers and other persons belonging to royal offices, where the said bills are received and paid, together with their interests.

ART. XII. And in order that the detention for the annual payment of the interest, and for the renewing of the said bills in the General Treasury, may not be inconvenient or prejudicial to the proprietors thereof (besides that they are always to bear interest, without intermission,

from the 1st of October, to the 26th of September, of the next following year) care shall be taken to dispense with as many, in effecting the payment thereof, as shall not be absolutely necessary for the Chief Treasurer to pass his accounts. To this end the printed receipt, which the proprietors, or authorized commissioners are to sign, shall be kept in readiness, as well as the new bills, which they shall receive at the same time, for their use, during the next following year. But as it might happen, during this interval, that the proprietors might be in want of their bills, for the payment of any bills of exchange, that might expire between the time abovementioned for presenting the said bills at the General Treasury, in order to be renewed there, the detention of which might be of great prejudice to them; notice is hereby given, in regulating, for this case only, the days of grace which are usually granted in commerce (after the expiration of bills of exchange) that all payments of bills of exchange, that are to be made in commerce, either in the provinces or at Madrid, on or from the 20th day of September, shall remain suspended until the 15th day of October next following; observing that these days of grace are the effect of a tacit convention, and customary in commerce, and that thus they may be prolonged or abridged without any prejudice; not to mention that all parties receive hereby timely notice, and consequently may regulate, among themselves, the terms of expiration which shall seem most convenient unto them.

ART. XIII. All persons convicted of forging, or falsifying any of the said bills, their accomplices, and those that shall be aiding and assisting in passing and distributing the same, shall be subject to the same punishments, as are all false coiners.

And in order that they may be the more easily discovered, besides the precautions which have already been mentioned, in renewing these bills every year, with a new seal or new cypher, and independently of others that are still reserved, and which will render their falsification extremely difficult, it is hereby again earnestly recommended to all those, who shall receive any of the said bills in payment, to take particular notice of the signatures on each bill, of its seal, and its whole form; but more especially to demand and take knowledge of the bearer and last indorser of the said bill, in the same manner as it is done with regard to bills of exchange, and as is already ordained in Article XI. And it is hereby enacted, that the last proprietor of an unlawful bill, shall have no other recourse to realize its value than upon the last indorser, from whom he shall have received the said bill.

ART. XIV. All law-suits that may happen, and be commenced on the subject of this negotiation, and the incidents resulting therefrom, shall be decided and judged by the same judges who decide and judge all other causes concerning payments, obligations, contracts for money, or any other trespass relative thereto. But in cases of forgery, the cause shall be brought before the judges and tribunals that take cognizance of the crime of counterfeiting the current coin of these realms, under the charge only of returning the bills, after the causes shall be decided, to the deputies of my finances, with a certificate of the result, and the sentence rendered upon the same; which shall by them be remitted to the Intendant-general of my Royal Finances, that he may adjust the matter with my Chief Treasurer. And in case of any trivial trespass, cause or contract, they shall be adjusted and judged, by the ordinary judges.

Judges of the finances, by the respective councils, or by such other tribunals as shall be competent in regard to the parties concerned, or the quality of the cause itself, always without prejudice of appeal to a superior tribunal, according to custom in law.

ART. XV. For the proper administration of this negotiation, there shall be an accurate register kept in the General Treasury, of all the above-mentioned bills, according to the order of their numbers, so that the propriety and authenticity of the same may at all times be verified.

We therefore command unto all and each of ye, in your respective places, districts and jurisdictions, that you conform to this my royal resolution here-above expressed, as well as to the rules and dispositions agreed upon with the said commercial houses; that you observe, fulfil, and execute the same, in the whole and every where, according to the manner in which they are therein contained and declared, without causing any obstacle nor tergiversation whatever; because, for their still greater validity, I interpose my royal authority and edict, in due form; and it is my will, that whenever it shall be necessary, ye give orders, and take, or cause to be taken, such other measures as may be required for the punctual accomplishment of the same; for this is requisite for my royal service, for the good faith of what has been stipulated for the public cause, and for the utility of my subjects. And you shall give the same belief and faith unto the printed copy of this my present edict, signed by Don Antonio Martinez Salazar, keeper of my archives, and first Secretary of my Council, as is due unto the original.

Given at St. Ildephonse, the 20th day of September, 1780.

(Signed) I, THE KING.

(And lower) I, D. JUAN BRAN-  
GISCO DE LASTINI, Secretary to

the King, our Lord, have caused the above to be written, by his order.

D. Manuel Ventura Figueroa.

D. Manuel Doz.

D. Luis Urries y Cruzat.

D. Juan Acedo-Rico.

D. Blas Hinojosa.

(Registered) D. Nicol. Berdugo,  
Keeper of the High Chancery.

*State of New-Jersey.*

*An Act for establishing a fund for sinking and redeeming the proportion of the bills of credit of the United States assigned as the quota of this State.*

And be it further enacted, That each of the persons in this act appointed to sign and number the said bills of credit, so to be issued as aforesaid, shall, previous to his engaging in the duties of his appointment, take the following oath or affirmation before any of the justices of the supreme court, to wit:

"I will well and truly sign the bills of credit directed to be issued upon the faith of this State by virtue of an act, entitled, "An act for establishing a fund for sinking and redeeming the proportion of the bills of credit of the United States, assigned as the quota of this State;" and I will not sign any greater or less number than the twentieth part of the nominal amount of the bills of the continental currency which shall have been lodged in the continental loan-office for this State, to be cancelled and destroyed; and will deliver six-tenth parts in value of the said bills to the Treasurer of the State for the time being, and will deposit and leave the remaining four-tenths in the hands of the continental loan-officer for this State."

And be it enacted by the authority aforesaid, That the said persons, appointed in this act to sign and number the said bills of credit so to be issued, shall be allowed the sum of one

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Shilling

shilling each for every hundred bills by them signed and numbered as aforesaid, to be paid by the Treasurer of the State for the time being, on delivery of the proportion of the said bills directed in this act to the said Treasurer, and on producing a certificate from the continental loan-officer of this State, specifying the amount and number of the bills by them signed and numbered, and also the receipt of the said loan-officer for the proportion of the said bills in this act directed to be with him deposited for the use of the Congress of the United States.

And be it enacted by the authority aforesaid, That in case the said Philemon Dickinson shall neglect, decline, refuse, or be otherwise incapacitated to serve in his appointment, the Honourable John Inlay, Esq. shall be and he hereby is appointed to sign and number the said bills in his room and stead; and in case the said D. Brearley shall neglect, decline or refuse, or be otherwise incapacitated to serve in his appointment, Moore Furman, Esq. shall be and he hereby is appointed to sign and number the said bills in his room and stead; and the said persons thus appointed shall be vested with the same powers, perform the like duties, and shall receive the same rewards as the signers herein before appointed in this act.

And be it enacted by the authority aforesaid, That it shall and may be lawful for the Treasurer of the State for the time being, and he is hereby required as soon as any of the said bills so to be issued shall be numbered, signed and completed, and to him delivered, to give in exchange to any person who shall make an application to him for that purpose any sum in the said bills for continental currency, at the rate of one dollar of the said bills for forty dollars of the continental currency: Provided always, That the Treasurer be not au-

thorized to exchange any of the said new money for the present continental currency after the sum of twelve million of dollars, assigned by Congress as the quota of the continental currency to be sunk by this State, shall come into his hands by taxes or otherwise.

And be it further enacted by the authority aforesaid, That from and after the publication of this act, no certificates shall be given by the county contractors appointed in or by virtue of the act, intituled, "A supplemental act to the act, intituled, an act for procuring provisions for the use of the army, and other supplies for carrying on the war, and for settling the public accounts of this State," to be paid in any other currency than the said bills of credit so to be issued agreeably to the directions of this act.

And be it further enacted, That each and every person who shall counterfeit or alter any of the said bills of credit directed to be issued upon the faith of the State by this Act, or shall utter or pass the same, knowing them to be counterfeited or altered as aforesaid, is hereby declared to be guilty of felony, and being thereof legally convicted, shall suffer death without benefit of clergy.

And be it enacted by the authority aforesaid, That the said bills of credit so to be issued upon the faith of this State, shall be, and the same are hereby declared to be a legal tender in all payments of money equal with gold and silver, and each dollar of the said bills of credit, exclusive of the interest thereon, shall pass at the rate and be deemed equal in value to a Spanish milled dollar, weighing seventeen pennyweight and six grains, or seven shillings and sixpence lawful money of this State, or four shillings and sixpence sterling; and eight of the said paper dollars or bills of credit, exclusive of the interest thereon, shall be taken and deemed

deemed equal in value to one Portuguese half Johannes, weighing nine penny-weight, and in the same proportion for all other gold and silver coin : and that the interest arising on the said bills be valued in the same proportion : and every person who shall refuse to take any of the said bills of credit, when the same shall be properly tendered, in payment of any debt or demand whatsoever, provided the whole of such debt or demand be so tendered, shall be forever barred from suing for or recovering the same in any court in this State ; and if any suit or suits shall be commenced for such debt or demand after tender and refusal as aforesaid, the defendant may plead payment, and give this act and the special matter thereof in evidence.

And, to the end that evil-minded, disaffected or interested persons, may be prevented from depreciating or destroying the credit and currency of the said bills of credit in this act directed to be issued upon the faith of this State, Be it enacted by the authority aforesaid, That every person within this State having goods or chattles, lands or tenements for sale, who shall refuse to sell the same for the bills of credit so to be issued as aforesaid, or who shall sell or offer for sale such goods or chattles, lands or tenements at a lower price for gold or silver, or who shall ask, demand or receive more in the said bills of credit in exchange for any gold or silver coin, bullion, or any other species of money whatsoever, than the nominal sum or amount thereof in Spanish milled dollars as the said bills are herein before rated in this act, and shall be thereof legally convicted, shall, at the discretion of the Court before which such conviction shall be had, forfeit any sum not exceeding two hundred pounds for each offence, or suffer imprisonment for any term not exceeding three months.

And whereas it is necessary, in order to comply with the said recited resolutions of the eighteenth of March last, that the whole of the bills of the currency of the United States now in circulation should be called in by tax, that the same may be destroyed ; Be it therefore enacted by the authority aforesaid, That the sum of three million seven hundred and fifty thousand pounds shall be assessed, levied and raised on the several persons, articles and things made rateable by the act, intituled, " An Act to raise the sum of three million three hundred and seventy-five thousand pounds in the State of New Jersey," and in the manner and form therein directed, and paid into the treasury of this State in two equal payments at the periods following, that is to say, the sum of one million eight hundred and seventy-five thousand pounds, the first payment thereof, to be levied, raised and paid into the treasury on or before the first day of November next ; and the sum of one million eight hundred and seventy-five thousand pounds, the second payment thereof, on or before the first day of March, which will be in the year of our Lord one thousand seven hundred and eighty-one ; which said assessments shall be received from the several inhabitants of this State in the bills of credit heretofore emitted by the United States in Congress assembled, or in the bills of credit in this act directed to be issued upon the faith of this State, at the rate of one dollar of the last mentioned bills in lieu of forty of the continental currency.

And be it enacted by the authority aforesaid, That in assessing each of the said payments of the said sum, all lands, horses, cattle and hogs, and all and every of the certainties in the said act made rateable, shall be valued and rated as in the said act is directed ; and that the said sum of three million seven hundred and fifty thousand

thousand pounds shall be assessed, levied and raised by the several counties in this state in the proportion following, videlicet,

By the county of Bergen, exclusive of the township of Bergen, the sum of ninety-six thousand nine hundred and thirty-one pounds seventeen shillings and six-pence for each payment.

By the county of Essex, the sum of one hundred and thirty-six thousand two hundred and fifty-eight pounds two shillings and six-pence for each payment.

For the county of Middlesex, the sum of one hundred and forty-two thousand four hundred and nineteen pounds seven shillings and six-pence for each payment.

By the county of Monmouth, the sum of one hundred and eighty thousand nine hundred and thirty-six pounds seventeen shillings and six-pence for each payment.

By the county of Somerset, the sum of one hundred and sixty-one thousand six hundred and twenty-five pounds for each payment.

By the county of Burlington, the sum of one hundred and ninety thousand two hundred and eighty-three pounds five shillings for each payment.

By the county of Gloucester, the sum of one hundred and fifty-two thousand four hundred pounds for each payment.

By the county of Salem, the sum of one hundred and twenty-five thousand nine hundred and two pounds ten shillings for each payment.

By the county of Cape-May, the sum of thirty-nine thousand pounds seventeen shillings and six-pence for each payment.

By the county of Hunterdon, the sum of two hundred and fifty-three thousand nine hundred and thirty-six pounds seventeen shillings and six-pence for each payment.

By the county of Morris, the sum of one hundred and fifty-four thousand nine hundred and fifteen pounds five shillings for each payment.

By the county of Cumberland, the sum of ninety thousand three hundred and ninety pounds for each payment.

By the county of Sussex, the sum of one hundred and fifty thousand pounds for each payment.

And be it enacted by the authority aforesaid, That the assessors of the several townships, precincts or wards in this State, shall, in conjunction with the freeholders chosen agreeably to the directions of the said recited act, assess the said sum of one million eight hundred and seventy-five thousand pounds, the first payment of the sum directed to be raised in this act, on the duplicate of the second assessment made in virtue of the said recited act, and upon the principles therein held forth; and the assessors of the several townships, precincts or wards in each county shall respectively take a true account, and make out an exact list of the persons and things made rateable in the said recited act, in the manner therein prescribed, for the second payment of the sum directed to be raised in this act, between the first and twenty-fifth days of December next; and the said assessors shall meet together for settling and adjusting the quotas of the several townships, precincts or wards in each county, at the places in the said act directed, for the second payment of the sum directed to be raised in this act, on the first Tuesday in January next; and, after having settled the said quotas, shall, in conjunction with the said freeholders, rate and assess each person, article and thing made rateable as aforesaid, according to the directions in the said recited act prescribed; and the said assessors shall deliver to the collectors of their townships, precincts or wards respectively,



respectively, true and exact duplicates of the first assessment on or before the first day of September next; and of the second assessment on or before the twelfth day of January next; exact copies of which they shall also deliver to the collectors of their respective counties, who are hereby required to transmit the same to the legislature, on the first day of their next subsequent sitting thereafter; which duplicate shall be made in the form in the said recited act prescribed.

And be it enacted by the authority aforesaid, That the several assessors and freeholders shall, previous to their engaging in the duties of their offices, take before any justice of the peace of the county to which they belong, the same qualification as is directed to be taken by them respectively in the said recited act, substituting only the title of this act in lieu of the title of the said recited act.

And be it enacted by the authority aforesaid, That the collector of each township, precinct or ward in this State, shall, within twenty days after the receipt of the duplicate and assessment aforesaid from the assessor of the same, make demand of the tax laid upon each person within such township, precinct or ward, in person, or by notice left at his place of abode, and shall deliver a list, containing the name and surname of every person who shall neglect or refuse to pay his tax within fifteen days after the expiration of the time above limited, with the sum due from each, to some justice of the peace of the county, who shall thereupon proceed as in the seventeenth section of the said recited act is directed; and the said collector shall deliver the duplicate of the first assessment on or before the twentieth day of October next; and the duplicate of the second assessment on or before the

twentieth day of February next, together with the sums collected thereon, and such forfeitures as he may receive for the use of the State, to the collector of the county to which he belongs, who is hereby required to pay the treasurer of this State the sums by him received on the first assessment made in virtue of this act, on or before the first day of November next; and the sums received on the second assessment, on or before the first day of March next, taking his receipts for the same.

And be it enacted by the authority aforesaid, That each and every justice of the peace, county collector, assessor, precinct, township or ward collector, freeholder and constable, and each and every other person on whom any duty is enjoined in the said recited act to which this act is referred, is hereby required to perform the like duties accruing or arising under this act, and shall be vested with the same powers, receive the same fees and rewards, be subject to the same penalties, fines and forfeitures, for neglect or refusal of duty, to be recovered in the same manner, shall be entitled to the like exemptions, and all vacancies occurring by death, removal, refusal or neglect of duty, or otherwise, shall be supplied in the same manner, and each and every delinquent shall be subject to the same punishment, fine or forfeiture, and the same mode shall be pursued for the recovery of such fine or forfeiture, as also for the recovery of the tax or assessment laid upon any lands, tenements, goods or chattles, within the State, as is mentioned, prescribed and directed, in the said before recited act: Provided always, That the several assessors shall be allowed only half fees on the first assessment directed to be made by this act.

And be it further enacted, That the commissioners of appeal shall each

each of them be entitled to receive the sum of six pounds by the day, for the services enjoined on them in this and the said recited act, in lieu of the wages allowed them by the fourth section of the act, entitled, "An act to ascertain the duty of commissioners of appeal," passed the fifth day of June, one thousand seven hundred and seventy-seven; which fees so to be paid to the said commissioners, as also the fees and rewards, fines and forfeitures, herein before required and enjoined, shall be paid in continental currency, or in the bills of credit to be issued on the faith of this State, at the rate herein before mentioned; and that the said commissioners of appeal shall give notice to the said assessor, or to one or more of the said freeholders, of the time and place appointed for the hearing and determining of appeals in the township for which they were appointed, which notice the said assessors or freeholders are hereby required to obey, and attend accordingly.

And be it enacted by the authority aforesaid, That in every case where it shall so happen that the tax by this act laid, cannot, by reason of the vicinity of the enemy, or other unavoidable cause, be assessed and collected within the time herein before limited and prescribed, the same shall be assessed and collected as soon thereafter as the assessment and collection can be made.

And be it further enacted, That if it shall appear on the next settlement of the quotas for the several counties, by a more clear and complete account of the several persons, articles and things made rateable therein, that the quota of any county as laid in this act is greater than its just proportion, the surplus shall be credited to such county in the settlement of its next quota.

Passed at Trenton, June 9, 1780.

*From the Pennsylvania Gazette of August 8 1780.*

*An Address from the SUPREME EXECUTIVE COUNCIL, to the INHABITANTS of PENNSYLVANIA.*

Friends and Countrymen,

When first we resolved to resist the tyrannical encroachments of Britain, and rather to meet her in the field as an enemy, than to submit to her illegal domination, mankind beheld our determination with wonder and astonishment; and however they acknowledged the justice of our cause, and greatness of our spirit, trembled for the event. Britain in the zenith of glory, mistress of the ocean, great in arms, and connected by friendship or alliance with every nation in Europe. America without a friend to consult, or ally to give aid, unpractised in arms, and without funds or resources. The contest appeared so unequal, that the long enjoyment of liberty, and the consideration that death had charms when compared to slavery, would alone justify our proceedings. But commending ourselves to the Ruler of the Universe, and confiding in the goodness of our cause, we closed with the appeal to arms, and braving danger and difficulty in the service of freedom, boldly despised the disparity of strength, determining to maintain our cause, or fall in the conflict. The love of liberty, and equal government, inspired our resolutions, and to fall in so glorious a contest was worthy of freemen; but it rested with Him who directs the councils of mankind, fully to reward the generous effort. Our ambition would have been gratified with a redress of grievances, and the repeal of a few obnoxious Acts of Parliament, but he determined to raise us to glory and to empire, and from the humble dependents on a distant island in the Atlantic, to give us rank among the nations.—

nations.—Under his conduct and direction, we have baffled the most strenuous efforts of the best disciplined, well appointed, and formidable armies, and humbled beyond the conceptions of mankind, and our own most sanguine expectations, the haughtiest and proudest nation in Europe. There now, therefore, remains but one vigorous exertion, to put an eternal period to her infolence, her power, and her cruelty.

The time is come when an honourable peace must be the most ardent wish to every friend to happiness and mankind, and the war has been so conducted on the part of the enemy, as must satisfy the most obstinate of her adherents, that he who inclines to reside in America, must maintain her Independence. But to obtain these much wished-for objects, the States must first be cleared of the enemy. We have often been amused with the prospects of approaching peace. The commotions in Ireland, committees in England, and favourable sentiments of European powers, have been held up as omens prognosticating this happy event. But it ought to be engraven on the heart of every American, that the pride, the obstinacy, and the vengeful disposition of the power we contend with, will never grant us a peace worth accepting, whilst she can maintain a single post in our country, or the shadow of an army amongst us: the lust of power, the hopes of division, the false information of the disaffected, and the rapacity of her armies, will induce her to reinforce, and tempt a continuation of the war. To oblige her to peace, we must sweep her armies off the continent, and even British folly cannot hope to replace them.

To men who, in the cool moments of temperate deliberation, pledged their lives, their fortunes, and their sacred honours, and who, appealing to Heaven for the justice

of their cause, the rectitude of their intentions, and the firmness of their resolutions, drew the sword in defence of their liberties, every attempt to animate to action may be deemed unnecessary. But as no other period of the contest has furnished such cogent reasons for vigour and activity, nor could any combination of circumstances exhibit a more glorious prospect, we have been induced to address you on this interesting occasion.

Our enemies having long since relinquished the idea of conquest by arms, have converted a war of manly offence into one of mean distress and pitiful depredation, hoping to weary us out; and by that wicked industry, for which fraud and art are often conspicuous, sow dissensions, and thereby encourage that momentary supineness, to which they owe the few successes they have to boast. It is their last resource; and perhaps the only instance in which their pride and ignorance have yielded to motives of discretion.

But it is also universally acknowledged, that we are able by one common effort to crush the remaining force of the foe, terminate the war, and remain possessed of that peace, liberty, and safety, for which we have hitherto encountered such difficulties, and so freely bled. Were this not the case, our great and generous Ally, inspired with the purest zeal for the common interests, affection to our cause, and respect for our virtue, has sent to our aid such a reinforcement as puts it entirely in our power. And Providence, by granting the enemy a late partial success, has so divided her force, that it is impossible for the one to give aid to the other. If we mean not then to be wanting to ourselves, regardless of our allies, and to renounce the favourable interposition of Heaven; if we mean not to furnish our unfeeling and haughty

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enemy with a barbarous triumph, let us, by one heroic exertion, convince those cruel spoilers, that we are able and determined to expel them our country.

There is not an evil, of which we complain, but is comprehended in the continuation of the war, and the longer it remains, the more they will accumulate. Put a successful period to the one, and the other terminates of course. The credit of our money will instantly revive, taxes become moderate, commerce return to its proper channel, and avarice be forced to content itself with moderate gain; speculation and monopoly will cease for ever, and foreigners of all ranks flock to our country, to enjoy the liberty for which we have so gallantly fought. Shall we for ever complain of the distress of the times, and yet have it in our power to end them whenever we please? Shall we be thoroughly sensible of the designs of the enemy, and never take measures effectually to counteract and defeat them? If we wish peace, prosperity, and happiness to return, nothing is wanting but to drive the foe from our country. The secret machinations of disaffection and treason will only cease with their expulsion. It rests therefore with ourselves, whether we shall be the victors or the vanquished; whether we shall establish a great, extensive, and free empire; or whether we shall finally surrender at discretion to the treachery of Toryism, and the rapacity of Tyranny.

In conjunction with our sister States, we are called upon to join our accomplished General, and his virtuous and brave army, to co-operate with the forces of His Most Christian Majesty, in the reduction of New-York. Can any thing equal the advantage and renown attending this glorious achievement? Who that has one spark of spirit of patriotism within him, could bear to have it recorded

in history, and transmitted to posterity, that Pennsylvania, whose exertions have equally declared her spirit and ability, after five years exhibiting the most unshaken firmness and unconquered resolution; after rescuing the continent from apparent ruin, in the crisis of her fate; and after so eminently maintaining the weight of the war, and supporting, by the credit and liberality of her citizens, the armies of the Union, shrunk back from the contest in the last moment of action, and tarnished the glory of years by the folly of an hour?

Besides the honour and advantage which will result to this in common with other States, from a happy termination of the war, Pennsylvania has peculiar reason to exert herself with uncommon energy and effect. The immediate accession of wealth and inhabitants, which she will acquire by the event, makes it highly her interest to push on the operations of the campaign with extraordinary vigour. And our affairs are so circumstanced, that every man in the State may be usefully employed, and enjoy the exquisite pleasure of relating to his offspring, in the peaceful hour of domestic security, the share he had in the contest, and how much his exertions contributed to the salvation of his country. The benevolent hand of all bountiful Heaven, in a plentiful harvest, has furnished the means of supplying our armies for the campaign, and on that supply depends the success of their operations; every man, therefore, whether at home or in the field, has it equally in his power to assist in closing the war, and stopping the further effusion of blood.

We entreat you to repress the spirit of discontent, and uncharitableness towards our rulers, or each other, ever remembering that our great strength lays in union, and that a state of war is always attended with many unavoidable calamities and distresses.

**Distresses.** You will also remember how difficult it is for those entrusted with the conduct of affairs, to regulate to advantage our internal police, or to call to account the public defaulters, while their whole time is employed in furnishing the means of resisting the attacks, or stopping the progress of the common enemy. In vain shall we bewail the distresses of the times, and the laying waste our country; unjustly shall we arraign the conduct of our rulers, if we do not step forward with the most determined activity to support the present exertions of authority, crush the murmurs of obstinacy and discontent, and oblige every man, and even disaffection itself, to contribute to the immediate relief of America. Placed at the head of government, and entrusted with the power of enforcing every salutary measure, we wish to be indebted to your feelings, as patriots, rather than to any possible exertion of authority. We call upon you, therefore, by every consideration which can animate men, enliven hope, or invigorate resolution, not to suffer the curse of another campaign to rest on America, so far as depends on you. The forces of our ally have crossed the ocean, and already taken the field in our favour, determining to share with us the danger and glory of terminating the war. The eyes of all Europe are upon us. The devastation of our frontiers, the cries of women and children, flying in distress before inhuman savages, and unoffending infants butchered in the presence of their captured parents, point to the field. The ghosts of our fellow citizens, suffocated in prison-ships, and starved in the goal of New-York, demand vengeance on the enemy, and Providence seems to declare its purpose, that where the crimes were committed, there the criminals should suffer, and appointed us to the honourable service.—Rouse,

then, friends and fellow-citizens. at the call of your country! Set on more example worthy of Pennsylvania to your sister States. View that liberty, that darling liberty, for which you so cheerfully flew to arms. Behold that peace, safety, and independence you so long sighed for. All are within your grasp, and will be the reward of your vigorous exertions. Furnish in time the supplies to the army, follow with alacrity your commanding officer to the field, partake with him and your brethren in the neighbouring States, in the glory of finishing the contest, and hasten the happy hour when agriculture shall flourish, commerce revive, peace be in your borders, and plenty in all your dwellings.

JOSEPH REED, President.  
Council Chamber, Aug. 7, 1780.

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*From the Pennsylvania Packet.  
[To the Inhabitants of America.]*

My Countrymen,

The inefficacy of all measures hitherto taken with our finances is so evident, that to dwell on them would be a tedious absurdity. To the many intrinsic defects peculiar to each, we must add a general defect which pervades the whole. The plans adopted for aiding our paper, have been themselves but mere paper; having no substantial connection with the universal money of commercial nations. Of consequence, they subsist and act independently of that universal medium; so that as the paper-money ultimately rests upon a paper tax, it cannot, by that means, be brought at all nearer to specie than it was before. Hence, a tax in specie becomes necessary, to regulate the present value of our paper.

In considering of ways and means, I shall first state the taxes and their produce; secondly, the appropriation; and thirdly, the mode of collection.

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And first, I propose a tax of two dollars per hundred, in specie, for every hundred acres of appropriated lands within the United States; to continue until ten years after the conclusion of the war; with a proviso, that any person who should bring in the value of twenty dollars, either in bills or certificates, according to the estimate mentioned in a former paper, should be freed from this tax for one hundred acres, and be entitled to receive annually, after the war, one dollar in specie for ten years, and so in like manner for any greater number of acres; the bills or certificates so brought in to be destroyed in his presence.

Secondly, I propose a tax of two dollars, in specie, on every man able to bear arms, and not actually in the Continental army, as a military officer or as a soldier. This tax also, to continue until ten years after the war, with a proviso nevertheless, that it may be paid during the war, either in specie or paper, at the rate of forty for one, but in specie alone after the peace.

Thirdly, I propose, that quotas be laid for raising the annual sum of forty millions, payable in paper only, and to continue until five years after the conclusion of the war. I propose quotas, if that mode should be deemed preferable to any other, as it probably may be by some persons however unreasonable. But if it should be found inexpedient, as on experience it undoubtedly will, then, in lieu of it, this sum should be raised by an addition to the other taxable articles, or such of them as shall be most proper.

Fourthly, I propose, that a perpetual tax of five per cent. be laid on all exports, and one dollar per ton annually on all vessels above twenty tons; and that it be an additional article of confederation, that every State lay what regulations and restrictions they may think proper on

trade, but that the fiscal produce thereof be paid to the United States.

Lastly, I propose, that the following rates be laid, payable in specie or in paper at forty for one, to wit, one dollar per head on all horses above a year old, and half a dollar per head on all cattle above a year old, and one dollar each for every glazed or sash window, in a house having more than ten windows. These rates to continue only so long as the public exigencies shall require,

Having stated these taxes, our next object is to enquire into their probable produce. This can only be determined, at present, by a rude estimate, which deserves more the name of a guess than a calculation; it must therefore be made within bounds, especially as the cost of collection is supposed to be deducted. And first as to the land-tax.

From Passamacadi Bay, in the latitude of forty-five degrees north, to the mouth of St. Mary's River, in the latitude of thirty-two degrees north, and sixteen degrees west-longitude from Passamacadi, is in a direct line, along the surface of the globe, about thirteen hundred miles. This line, however, is too much extended for an economical calculation; we will therefore restrain it to the length of one thousand miles, from Casco Bay to the mouth of Savannah River, and we will take an average breadth of one hundred and fifty miles, which is far from being the extent of appropriation in many States, though it exceeds that of some others.—This length and breadth will contain one hundred and fifty thousand square miles, or ninety-six million acres. But we must make a deduction first for bays, rivers, lakes, and other lands covered with water; secondly, for mountains, wastes, deserts, marshes, and other lands not yet appropriated; thirdly, for highways, cities, and public territories; fourthly, for lands

in possession of the enemy, or otherwise not within the power of the States; and lastly, for the expences of collection. This deduction will be nearly, if not entirely, equal to one half of the superficial content. Wherefore we will take off forty-six millions of acres, and calculate only on the remaining fifty millions; which, at two dollars per hundred, will give a revenue of one million.

The number of inhabitants within these States hath usually been estimated at three millions, and perhaps they may amount to it; the proportion of men able to bear arms is as one to five, so that the number of such men, in America, ought to be about six hundred thousand. But from this number we must, for very obvious reasons, make a considerable deduction; wherefore the number of taxable polls may be stated at half a million, so that the tax of two dollars each, will amount to one million.

As to the quotas, if the tax of forty millions in paper be laid that way, then it will be the business of the States to apportion it; but if it be not so laid, then it will be distributed on articles which experience shall have demonstrated to be sufficiently productive, wherefore this tax may also be considered as amounting to one million.

The amount of our exports cannot be precisely ascertained, but there are good reasons for placing them as high as seven millions sterling before the war, which we will, for greater certainty, reduce to thirty millions of dollars. The many natural and artificial reasons which have conspired to lessen the amount of our exports, operates so forcibly, that,

with melancholy truth, we may now reduce them to one tenth of what they were, or three millions. But on the other hand, the enhanced prices will perhaps raise the value of this about one third, so that we may state it at four millions, which, at five per cent. gives two hundred thousand; in which sum the tonnage is supposed to be included.

If there is difficulty and uncertainty in numbering the acres, and the men of America, the cattle and horses will be estimated with still greater difficulty and uncertainty. Without any calculations therefore, I shall suppose the horses above a year old, to amount to one million, and the horned cattle of the same age, to two millions. These numbers are, I have reason to believe, within bounds, and, if so, then the tax on each will amount to a million, being equal to the land and poll tax.

How many houses there may be having above ten windows, and how many windows there may be in such houses, no man can accurately determine, but the wealth of the Americans, compared with that of other nations, gives room to suppose, that here are a much greater proportion of houses liable to the tax now under consideration in this, than in any other country, and of those houses which are subject to it, there are probably a greater number with above thirty windows, than under twenty. The average therefore might be stated at twenty-five, but we will take it at twenty, and state the houses at one hundred thousand, wherefore this tax would produce two millions.

The account of the whole will stand thus:

|            |                     |                |           |
|------------|---------------------|----------------|-----------|
| 1. Land,   | 50,000,000 acres,   | at 2 per cent. | 1,000,000 |
| 2. Men,    | 500,000             | at 2 per poll, | 1,000,000 |
| 3. Quotas, | 40,000,000 dollars, | at 40 for one, | 1,000,000 |
| 4. Export, | 4,000,000           | at 5 per cent. | 200,000   |
| 5. Horses, | 4,000,000           | at 1 each,     | 1,000,000 |

6. Cattle,

|                       |              |           |
|-----------------------|--------------|-----------|
| 6. Cattle, 2,000,000  | at 1-2 each, | 1,000,000 |
| 7. Windows, 2,000,000 | at 1 each,   | 2,000,000 |
|                       |              | <hr/>     |
|                       |              | 7,200,000 |

Of these taxes the three first should be appropriated as a sinking fund, to the full and final discharge of the public debts, and cancelling of the paper. And on this head it is to be observed, that as the sum payable for this purpose during the war would be at the most not above seven hundred and fifty thousand, so there would be a further appropriation of the residue, being two millions two hundred and fifty thousand, which should be to the expences of the war. Two hundred and fifty thousand of this surplus would be in specie, which should be set apart for secret service, and the support of our countrymen in captivity. It is also very probable that a further sum of specie would result from these taxes, and if so, then it would be proper that our army and navy should be paid in that kind of money; though no promise should be made, because it is unwise and unjust to make promises, which the course of accidents may prevent us from performing. But further it is to be observed, that as the sum arising from the land and poll tax might exceed two millions, and as the funded debt would probably fall short of fifteen millions, so there would remain a balance above what is necessary to sink that debt; this balance therefore would admit of a further approbation, as the pledge for payment of such further domestic loans, as the exigencies of the war might require. And lastly, as forty millions of paper annually, would be sufficient to sink two hundred millions in five years, and as these two hundred millions would be lessened by the part brought in and funded, as also by the waste and loss attendant on our frail and perishing medium; so there would remain a considerable surplus, which

might be appropriated to sinking such monies as might be issued to make up deficiencies in the circulating medium, if it should be found deficient.

The fourth of these taxes, on exports and ships, ought, in reason and propriety, to be appropriated to the support of our navy, under which head must be comprehended packet-boats and the like. As it must be the wish of every good American, that our navy should flourish, increase and endure, so we should take care that the fund to support it be certain, growing and perpetual. Here then let me indulge a short digression, while an imagination, fond and fervid for the general welfare, anticipates the rising glories of our country. That moment, when the rapid growth of her agriculture, commerce and fisheries, shall multiply her exports; in proportion to the energetic principles of freedom, which give them stability, vigour and animation, thence shall arise a naval force, which, governed with œconomy, and directed by prudence, shall protect our native shores, and wave, in dignity, our peaceful and commercial flag over the remotest verges of the ocean.

The fifth, sixth, and seventh of these taxes should be appropriated to the support of the war, and should continue until the various accounts and expenditures of it be finally liquidated and adjusted; among which accounts must be taken that of foreign loans already made, or which we may hereafter be necessitated to make. But after this final adjustment, these taxes may all be decreased, or one or more remitted, so as to leave only what is necessary for the half pay of the army, and the support of such fortifications and troops



troops as may be necessary during the peace.

It will appear that in this estimate and appropriation no notice is taken of two objects, namely, the general civil list, and the support of government in the several States. The latter of these, is properly an object of internal policy to each State. I will however drop a sentiment with relation to both these things. And, as to the first, the post-office, if properly regulated, would produce a revenue sufficient for the greater or general civil list, by which is meant the support of the civil officers and officers of Congress, both foreign and domestic. As to the second, or lesser civil list, this would be fully provided for by a light stamp duty, in addition to the fees and perquisites of office. It is hard to conceive taxes more easy and more beneficial than these, for they defray the expenses of government, by facilitating the commerce, and securing the property of individuals. Some readers may not see the force of the latter part of this observation, but those who know that frauds and forgeries have been frequently detected, by means of the stamps affixed to deeds and other instruments, will readily perceive it; and all will feel the difference between a stamp act made by our own legislatures, and a stamp act imposed by a foreign power. Roads, bridges, and inland navigations, will, if I may be allowed the expression, provide for themselves. In other words, they are most equitably and most effectually maintained by tolls and turnpikes; which, with a proper administration, will leave a surplus to support the poor. These different things are mentioned merely to shew the propriety of the other taxes, and the appropriation of them. Let us then further advert to this reason and propriety in themselves, and in relation to each other.

I know that almost innumerable objections will be raised against these propositions. We shall be told, that the business of Congress is not to lay rates but quotas, that is to say, they have a right to demand money by guess, but not on fair and equal principles. We shall be told, that the land-tax would fall heavy on the rich, the poll tax on the poor, and the other taxes on all. That some of these taxes would fall heavy on the merchant, and some on the husbandman; some on the city, and some on the country. If all this be admitted, it would only shew that these taxes would be heavy to the whole community, and all agree that heavy taxes must be raised, I mean all good Whigs; but every one will strive to ease his own shoulders of the burthen. All complain of the evil, yet nobody inclines to look it in the face, which is the only reason why it exists. Congress call on the States to raise quotas, of which an equitable account is to be made bye and bye, that is, they will, by the wealth of a State twenty years hence, determine what it is to pay in the present moment. After a month's debate, on a subject of such magnitude that all agree it cannot admit of a moment's delay, Congress at length give their fiat, and then the States take up the resolutions. The first thing the States do, is to complain of the apportionment; and the second, to make excuses why they cannot pay. At length, however, in imitation of the very thing they complain of, the States also quota their districts or counties. These, in their turn, guess at the wealth of individuals, or compel the individuals to declare it on oath, which is infinitely worse. Thus guess generates guess, delay produces delay, and murmur succeeds to murmur; till when, with grumbling discontent, a little pittance is paid; one half its value is swept away, by the rapid

current

current of depreciation. In the mean time the war is left to support itself, as if the army could be fed and clothed, our enemies beaten and subdued, or our liberties secured and established, by idle debates, vain reproaches, or quibbling subtleties.

Without adverting, therefore, to the little cavils which may abundantly be made against any and every plan, I shall assign a few reasons in favour of these imposts, generally and particularly. And we are to observe generally, first, That the land, labour and commodities of our country were originally mortgaged for our debts, and must eventually redeem them. Secondly, That unless taxes are laid on specific articles, they cannot consist with freedom; because freedom is to be governed by laws, and slavery by men; he therefore who pays a tax levied on a specific thing is free, because he is governed by the law, but otherwise he is not free, being governed by the will or whim of the assessor or collector. Thirdly, That no other taxes can consist with justice, for it is just that men and states should pay in proportion to their respective wealth; that is to their land, labour, and commodities, not the opinions of others. Lastly, That as no other taxes can consist with private freedom and justice, so by no other means can the rights and liberties of the several States, and the general superintendence of Congress subsist together. If Congress can compel the least State to pay as large a tax as the greatest, their rights and liberties are no more, and a prevailing faction in Congress may commit the most horrible injustice. If every State has a right to deliberate and determine for itself on the propriety of the quota allowed to it, the authority of Congress is a shadow, our union a thread, and our force an idea.

We will next consider these taxes in their successive order; and here we must remember, that land is the ultimate object of human avarice, for which there is the greatest contest among States and among men. On this, then, let the tax be laid. Let the landholder pay for the defence of his land. A monopoly of the soil is pernicious, or even destructive to society; let taxes, therefore, compel the owner, either to cultivate it himself, or sell to those who will cultivate it. Land can neither be carried away nor concealed, no care, therefore, is necessary to secure, no art to discover it. Other objects may elude the grasp of the Legislature, but this is always open to their inspection, always subject to their authority.

There is, indeed, an objection, that some lands are better than others. This objection would be more solid if it were proposed to tax land alone; still, however, it has weight; but a part of it will be removed when we reflect, that if it is unjust to tax the bad land of A, as high as the good land of B, it is equally unjust to tax the cost and labour which C. has expended, to render his farm better than that of D. And the objection will almost vanish when we consider, that if a valuation were made, it would be very partial and unequal in the present moment, but more so in the space of a few years; not to mention the time and expence, neither of which can be spared. To this may be added, that the above tax, though unequal at first, would soon become equitable, by the changes of property, and the efforts of industry.

As to the tax on polls, we must remember, that labour is scarce and dear at present in this country, beyond any other country and any other period; so that it is difficult to procure soldiers with every possible exertion. If therefore a tax be laid on men, they must either work to pay

pay it, or become soldiers to avoid it, either of which is a desirable consequence. And to this, that the poll-tax will fall on the rich rather than on the poor, especially such a poll-tax as that now proposed; because, from the nature of the thing, the labourer must be paid for by his employer, and the slave by his master.

The tax on exports is not liable to the objections against the two former, but will, perhaps, startle those who expect to discourage foreign articles, by laying duties on importation, and to encourage native productions by bounties on exportation. This subject would lead me too far, I shall therefore quit it with a few short but leading observations. First, the consumer of the article pays the tax, with the profits of the merchant and the retailer. Secondly, Taxes must either be paid from the surplus produce which remains to the country after maintaining its inhabitants, or some of those inhabitants must be starved. Thirdly, The cheapness of the necessities of life is the source of population; and together with it forms the wealth and strength of a nation. And Fourthly, A tax on exported commodities will equalize all others, and fall precisely on the wealth of each individual. To evince these positions, let us suppose that the farmer, who consumes in his family about forty gallons of imported spirits annually, is to be taxed five pounds. To obtain this sum, a duty might be laid on spirits of two and sixpence per gallon, but the merchant who pays this two and sixpence, in the first instance, would take a fifth profit, or perhaps more, which would bring it up to three shillings on the retailer; who, in his turn, would take a third, or more, and thereby increase it to four shillings; wherefore the farmers tax on forty gallons would amount to eight pounds, instead of five. If the tax

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were laid on the produce the farmer brought to market, then he would pay the five pounds and no more, not to mention the advantage of being taxed in the very moment when he sold his commodities. Besides this, he would pay nothing on his own necessary consumption. If he did not bring his surplus produce to market, it would be so much the cheaper in the country, and therefore the means of subsistence, and consequently labour and manufactures would be the cheaper. Something would at length be exported, and the five per cent. on this something would operate backwards, a gentle tax on all those who had contributed to its production and improvement. The propriety of carrying all duties to the general account, will appear from the single consideration, that as the consumer pays the tax, so when one State carries on the commerce of another, that other would be indirectly taxed by those who carry on their trade, over and above their general proportion.

The tax on horses and cattle will encourage the breeding of good stock, which next to the culture of our lands ought to be one great object of our policy. Horses must be very indifferent which are not worth on an average forty dollars each, and cattle which are not worth twenty, the tax therefore would be but two and a half per cent. on their value.

Lastly, as to the tax on windows, I can only say, that I know of none which bids so fair to be proportionate to the wealth of the subject, and which will, at the same time, so well bring the city and country on an equal footing of taxation.

There lies, I know, an objection to all these taxes, which, indeed, applies with equal force to all others, that the advanced prices near the seat of war, will better enable the inhabitants of that part of the Continent to pay, than those more remote.

S s

note. It is true that there is such an advantage, but I can safely venture to promise on the part of those who enjoy it, that they will readily give it up to such as are more desirous of being in the neighbourhood of the enemy. To determine, how-

ever, the weight of our burthens, let us, before we quit this subject, make an estimate of the taxes which, in consequence of the above plan, would be levied from a rich man, a wealthy husbandman, and a poor labourer.

| The rich man would pay,                                       |       | Dol.   |
|---------------------------------------------------------------|-------|--------|
| For himself and thirty labourers or slaves,                   | _____ | 62     |
| For ten thousand acres of land,                               | _____ | 200    |
| For sixty horses,                                             | _____ | 60     |
| For one hundred and twenty cattle,                            | _____ | 60     |
| For thirty-six windows,                                       | _____ | 36     |
|                                                               |       | 418    |
| For his quota of 40,000,000 paper, in proportion to the above |       |        |
| sum 2786 2 3, or                                              | _____ | 69 2 5 |
| Proportion on exports according to the poll-tax,              | _____ | 12 1 5 |

| The wealthy husbandman would pay, |       | Dol.  |
|-----------------------------------|-------|-------|
| For himself and three more,       | _____ | 3     |
| For three hundred acres of land,  | _____ | 6     |
| For eight horses,                 | _____ | 3     |
| For sixteen cattle,               | _____ | 3     |
| For twelve windows,               | _____ | 12    |
|                                   |       | 43    |
| For his quota at above 280, or    | _____ | 7     |
| Proportion on exports as above,   | _____ | 1 3 5 |

| The poor labourer would pay, |       | Dol. |
|------------------------------|-------|------|
| For himself,                 | _____ | 2    |
| Or he would inlist and pay,  | _____ | 0    |

These then are taxes which are far from being oppressive. We will next proceed to enquire into the proper mode of collecting them, but we must first take notice of two objections which may be urged, although contradictory to each other. One, that the land-tax being payable in specie alone would depreciate the paper; the other, that the circulating medium would not be sufficient to pay the taxes. Neither of these objections are solid. The land-tax would not depreciate the paper, because there is a means of paying it in paper, so as to render every landholder security to himself for the pa-

per he possesses; and because the other taxes will amount to more than two hundred and forty millions of paper, so that when the certificates alone are funded, even if no bills are brought in, still the tax will exceed the whole paper medium by one fifth. The second objection admits of an answer equally short and clear. If the circulating medium is too small, one of two things will certainly happen, either the value will rise, or more money will be demanded by the people. If the value rises, less of it will answer the purposes of government. If more is required, government may emit more, without any

any danger of depreciation. It might, however, have been prudent to obviate it, by raising the paper higher than forty, but, since these taxes are not all to be raised in the same moment, as will more fully appear when we speak of the collection, the paper will serve to pay more than would at first view be supposed. At any rate we had better labour under the weight of taxes, and suffer the want of a circulating medium too, than permit our last struggles in this glorious contest to become feeble and ineffectual.

I am your friend,

AN AMERICAN.

*Philadelphia.*

*An Act for the Regulation of the Militia of the Commonwealth of Pennsylvania.*

Whereas a militia law, founded upon just and equitable principles, hath been ever regarded as the best security of liberties, and the most effectual means of drawing forth and exerting the natural strength of a State :

And whereas a well-regulated militia is the only safe and constitutional method of defending a free State, as the necessity of keeping up a standing army, especially in times of peace, is thereby superceded :

And whereas the militia law of this commonwealth, enacted by the General Assembly the 17th day of March, 1777, from a change of circumstances and other causes, hath become insufficient to answer the purposes aforesaid, which renders it highly necessary that a new law should be enacted : therefore,

Section 1. Be it enacted, and it is hereby enacted, by the representatives of the freemen of the commonwealth of Pennsylvania, in General Assembly met, and by the authority of the same, that the President in Council, or, in his absence, the Vice-President in Council, of this

Commonwealth, shall appoint and commissionate one reputable freeholder in the city of Philadelphia, and one in each county within this State, to serve as lieutenants of the militia for the said city and counties respectively; and also any number of persons not exceeding two for the said city; and in the several counties any number not exceeding the number of battalions now or to be hereafter formed; to serve as sub-lieutenants in the said city and counties respectively; who, besides the powers which are given him and them by this act, shall have the title and rank which the President in Council, or, in his absence, the Vice-President in Council, shall confer; which said lieutenant, or, in his absence or incapacity, two or more sub-lieutenants, shall have full power and authority to do and perform all and singular the duties required of the said lieutenants by this act.

Sect. 2. And be it enacted by the authority aforesaid, That the lieutenants and sub-lieutenants, before they enter upon the execution of their offices respectively, shall give bond to the treasurer of the county in which they severally reside, in the name of the president or commander in chief of the State, with one sufficient surety, in the sum of twenty thousand pounds, conditioned for the faithful accounting for and paying of all the monies which shall come to their hands, by virtue of this act, when thereunto lawfully required. And that the public bonds given or to be given by the treasurer of the State, or county treasurers, for the due discharge of their respective offices, shall be deemed to extend to the faithful performance of the trust hereby committed to them respectively.

Sect. 3. And be it further enacted by the authority aforesaid, That the said lieutenant or sub-lieutenants

(once in every year) shall issue his or their warrants to the captain or commanding officer for the time being of each company of the several battalions in the said city and counties respectively, or to some other suitable person, commanding him, in the name of the Commonwealth, to deliver to him or them, the said lieutenant or sub-lieutenants, within ten days from and after the date of the said warrants (unless the lieutenant or sub-lieutenants shall judge a longer time to be necessary, which he or they are hereby empowered to grant) on oath or affirmation, which any of them is hereby empowered to administer, a true and exact list of the names and surnames of each and every male white person inhabiting or residing within his township, borough, ward or district, between the ages of eighteen and fifty-three (delegates in Congress, members of the Supreme Executive Council, members of the general assembly, judges of the supreme court, attorney-general for the State, the judge of the admiralty, treasurer of the State, sheriffs, goalers and keepers of work-houses, ministers of the gospel of every denomination, professors and teachers in the university, post-masters and post-riders belonging to the general post-office, menial servants of ambassadors or ministers and consuls from foreign courts, and of delegates in Congress from other states, registered with the secretary of the Supreme Executive Council of this State, and servants purchased bona fide and for a valuable consideration, only excepted.)

Sect. 4. And be it further enacted by the authority aforesaid, That the lieutenant and sub-lieutenants aforesaid shall, within five days after they shall receive the lists aforesaid, if they see cause, alter the present divisions of the city and counties respectively, and divide them into

new districts, each district to contain not less than four hundred and forty, nor more than one thousand, officers and privates included, at the discretion of the said lieutenants and sub-lieutenants; and then sub-divide the said districts into eight parts, as nearly equal as may be, paying due regard in each division to the convenience of the inhabitants: Provided always, that two-thirds of the lieutenants meet for the above purpose agree to such division, and that each person be annexed to the numerical class to which he formerly belonged.

Sect. 5. And be it further enacted by the authority aforesaid, That the militia of the Northern Liberties of the city of Philadelphia, the district of Southwark, and the townships of Moyamensing and Passyunk, be, and they hereby are, united to the city of Philadelphia, to act in conjunction with the militia of the said city, and distinct from the rest of the county of Philadelphia; that they draw lots for rank in battalion, and be joined in brigade, and act in every other matter that respects the militia law, as if they were inhabitants of the said city, and to be under the direction of the lieutenant and sub-lieutenants of the city.

Sect. 6. And be it further enacted by the authority aforesaid, That the lieutenant and sub-lieutenants of the city of Philadelphia, and districts annexed, shall, out of the several battalions of the said city and districts annexed, take such a number as will compose eight companies, to form one battalion of artillery, to be officered and arrayed as follows, that is to say, one lieutenant-colonel, one major, eight captains, eight captain lieutenants, eight first lieutenants, sixteen second lieutenants; the senior to bear the standard; and the junior to do the duty of conductor; pay-master, adjutant and quarter-master to be taken from the line; one surgeon, one serjeant-major, five-major, drum-major,

drum-major, eight clerks, thirty-two serjeants, forty-eight bombardiers, forty-eight gunners, eight drummers, eight fifiers, and four hundred matrosses; and both the officers and privates of the said battalion shall be subject to the same fines and penalties for any omission of duty as the infantry: Provided nevertheless, that the persons composing the artillery heretofore formed may be permitted to continue as a part of the said battalion of artillery; and the officers shall be elected in the same manner as is directed by this act for the election of officers of the infantry.

Sect. 7. And be it further enacted by the authority aforesaid, That the several captains of the artillery battalion shall determine their rank by lot, and be numbered from one to eight in numerical order, and be subject to be drawn forth into actual service in rotation by companies, according to their number in rank, number one in rank with the first class of the militia, and so on, until all shall take their tour, or otherwise as the commander in chief of the militia shall direct.

Sect. 8. And whereas it is expedient to embody such a number of light horse as will be useful when the militia is called into actual service: therefore,

Be it further enacted by the authority aforesaid, That each of the lieutenants of the several counties of this State may form a corps of light horse, not to exceed six privates for each battalion of infantry in each county, to be taken distributively out of each, in case volunteers offer; otherwise at large throughout the county; and the light horse shall be officered as light horse usually are, and shall be subject to appear upon muster-days, and shall turn out in classes as other militia; and in case any person who shall be admitted into the said light horse shall fail of

providing himself with a suitable horse, weapons and furniture, such persons shall be liable to be called out, and serve in the foot militia.

Sect. 9. And be it further enacted by the authority aforesaid, That the troop of light horse in the city of Philadelphia shall be limited to the number of fifty, exclusive of officers; the vacancies thereof to be filled in the manner heretofore practised; and the said troop shall be liable to appear on muster-days, and to be called out into service as other militia; and the light horse of this State, when in actual service, shall be subject to the same rules and regulations as the foot militia, and to like fines and penalties for neglect of meeting on muster-days, or turning out on their tour when thereunto called; such fines and penalties to be appropriated as the fines and penalties for like offences in other cases.

Sect. 10. And be it further enacted by the authority aforesaid, That if any light horsemen shall be elected or appointed a commissioned officer in any battalion of infantry of his proper city or county, and on notice given him in writing by the lieutenant shall accept thereof, his place in the said light horse shall be vacated; and any light horseman who shall be absent more than four months from his city or county shall vacate his place in the troop to which he belonged.

Sect. 11. And be it further enacted by the authority aforesaid, That the lieutenant or sub-lieutenant shall appraise the horse of each person serving as a light-horseman immediately before every time of going into actual service, and enter the same in a book; and in case such horse shall be killed or die in actual service, or be taken by the enemy, otherwise than by neglect, he shall be paid the value of such appraisement, by an order to be drawn by the

the lieutenant, or any two sub-lieutenants, on the militia fund, in the hands of the treasurer for that purpose.

Sect. 12. And be it further enacted by the authority aforesaid, That the said lieutenants shall give public notice, by advertisements at ten or more of the most public places in the said districts respectively, of the said divisions being made; and appoint a certain day for each district, not less than ten days after the said notice, and requiring the male white inhabitants between the ages aforesaid, residing in the said divisions respectively, to meet at a certain place, as near the centre of the said division as may be, and then and there, between the hours of ten in the morning and six in the afternoon of the said day, to elect by ballot two field officers, that is to say, one lieutenant colonel and one major. And the inhabitants of the said sub-divisions respectively shall elect by ballot as aforesaid, on the same or some other day, as soon as convenient, one captain, one lieutenant, and one ensign; previous to which said election, the said inhabitants shall elect two freeholders to preside as judges thereof; and all and each of these officers respectively shall be such persons as have taken the oath of allegiance and abjuration agreeable to the laws of this state; and each captain shall appoint a suitable person for a clerk in his company; and the said lieutenant or sub lieutenant shall attend and superintend each and every of the said Battalion elections, and shall cause the lieutenant-colonels so elected in the city and counties respectively to meet together as soon as may be, and cast lots for rank of the battalions; and the rank of the officers in each battalion shall be determined by the lot drawn by their respective lieutenant-colonels; and the captains so elected in the sub-divisions shall meet and cast lots for their rank in the bat-

talion to which they belong; and the rank of the subaltern officers in each company shall be determined by the lot drawn by their respective captains; and the said lieutenants shall, within ten days, or as soon as may be, having regard to their local situation, transmit proper certificates to the President of the Supreme Executive Council, of the names of the persons so as aforesaid elected and their rank, both of battalion and companies in the several battalions, in order that commissions may be forthwith granted to them, agreeable to the said certificates: and elections for officers in the light horse shall be made in like manner as elections for officers in the infantry.

Sect. 13. And be it further enacted by the authority aforesaid, That if any battalion, troop, or company, shall neglect or refuse to elect their officers as aforesaid, then, and in such case, it shall and may be lawful for the lieutenant, with the advice and consent of two or more of the sub-lieutenants of the city of Philadelphia, and of such county where such neglect or refusal shall be, to nominate one reputable person to the Supreme Executive Council, in the room of each officer so neglected to be chosen; and the said Council approving thereof shall commission the said person, which shall be as effectual, to all intents and purposes, as if the said officers had been elected as before directed; and the said lieutenant shall, as soon as may be, acquaint the parties so neglecting or refusing with the appointments so as aforesaid made. And the said several and respective officers, elected or appointed as aforesaid, shall serve respectively as officers of the militia for the space of three years; at the end of which time the lieutenant of the city and counties respectively, in the manner herein before directed, shall cause a new election to be held in the said city and counties respectively: but nothing herein



herein contained shall be construed to render any of the former officers incapable of being re-elected.

Sect. 14. And be it further enacted by the authority aforesaid, That the commissioned officers of each company shall appoint three serjeants, three corporals, one drummer and fifer for their respective companies; and all persons who have heretofore been officers in the militia under the late law, if not re-elected, shall deliver up their arms, accoutrements, drums, fifes and colours, if paid for by the public, to the lieutenant or sub-lieutenant of the city or county aforesaid. And the lieutenant of the city of Philadelphia, and the lieutenants of the counties respectively, are hereby authorized to purchase such drums, fifes and colours as may be afterwards wanted to supply the companies in the city and counties respectively.

Sect. 15. And be it further enacted by the authority aforesaid, That the field officers of each battalion in this State shall constitute and appoint in their respective battalions one chaplain, one quartermaster, one surgeon, one adjutant, one quartermaster serjeant, one serjeant-major, one drum and fife-major; and the lieutenants and sub-lieutenants of the city and counties respectively shall, at their discretion, furnish and procure proper carriages for the battalions or drafts of the militia, when it shall be necessary.

Sect. 16. And be it further enacted by the authority aforesaid, That the lieutenant or sub-lieutenants of the city and counties respectively shall pay such wages as shall be necessary to one adjutant, one quartermaster, serjeant, and one drummer and fifer, for every day that the service may require them, out of the monies arising from fines, on the said adjutant, quartermaster, serjeant, drummer and fifer producing a certificate of the service so performed,

from the commanding officer of the said battalion or company.

Sect. 17. And whereas the sums allowed by the late militia law for a drummer and fifer have been insufficient, and many officers have been obliged to pay considerably more: Be it therefore enacted by the authority aforesaid, That the lieutenants shall and hereby are required to pay unto such captains or commanding officers of companies such reasonable sums as they have expended for drummers and fifers, on their producing an account of such costs properly certified.

Sect. 18. And be it further enacted by the authority aforesaid, That the commissioned officers of each company of militia shall nominate and appoint one discreet person, who shall be called the almoner, residing in the district or sub-division out of which their company is formed, provided such almoner is above the age of fifty-three years, to take proper care of the families of such poor militia men within their respective districts as are in actual service in their own turn, and to grant them such support as their necessities may require: provided such support do not exceed half the price of daily labour as the same shall be ascertained as herein after is directed; and the said officers of the company, or any two of them, shall make out a certificate of their nomination and appointment, directed to the lieutenant of the city or lieutenant or sub-lieutenant of the county to which the company belongeth; which certificate shall enable the said almoner thereby appointed to draw from time to time on the said lieutenant or sub-lieutenants, for such sum or sums of money as shall be necessary for the purpose aforesaid; and he shall render an account of the monies by him drawn to the said lieutenants.

Sect. 19. And be it further enacted by the authority aforesaid, That every

every sub-lieutenant of the said city and several counties shall, once in every three months, render an account to his proper lieutenant of all monies received by him, and of his expenditures by virtue of this act, and settle and pay to him the balance of the same: and the lieutenants of the said city and each county respectively shall make out compleat accounts of all the monies received by him and of his expenditures, and return the same to the Supreme Executive Council once in every six months; and each lieutenant and sub-lieutenant is hereby empowered to employ one clerk, the better to compleat the same; and on failure of accounting as aforesaid each lieutenant and sub-lieutenant shall forfeit and pay, for every such neglect, the sum of ten thousand pounds, to be applied as other fines are directed to be applied by this act.

SECT. 20. And be it further enacted by the authority aforesaid; That the precedence of the officers of the city of Philadelphia, and of the several counties in this Commonwealth, shall be determined as follows; that is to say, when the commissions are of equal rank and date, the officers of the city of Philadelphia and districts annexed shall take rank or precedence of all other officers of equal rank in this state; and next to them the officers of the county of Philadelphia, and so on, according to the seniority of the counties respectively.

SECT. 21. And be it further enacted by the authority aforesaid, That the whole of the militia so entolled as aforesaid shall be subject to be exercised in companies under their respective officers as followeth: that is to say, in the city of Philadelphia and districts annexed, in companies on the two last Mondays in the month of April, and in battalion on the first Mondays in the month of May: and the first battalion shall muster in bat-

tion on the third Monday in May; the second battalion on the Tuesday following; the third battalion on the Wednesday, and so on till the whole number of battalions shall have mustered, according to their numerical rank, on any or every day of the week, (Saturday and Sunday excepted) until the whole number of battalions shall have mustered in the aforesaid manner; and on the day following, should it not happen to be Saturday or Sunday, the whole number of battalions belonging to the city of Philadelphia and districts annexed shall meet in brigade; and the militia of the city of Philadelphia and districts annexed shall meet to exercise in companies the two last Mondays in the month of August, and in battalion on the two first Mondays in the month of September; and the first battalion on the second Monday in the month of October, the second battalion on the Tuesday following; and the third battalion on the Wednesday; and so on until the whole number of battalions, according to their rank, have mustered, except as before excepted. And then on the day following (with the foregoing exceptions) the whole battalions shall meet in brigade. And in each and every county in the following manner, that is to say, in companies the two last Mondays in the month of April, and the two first Mondays in the month of May; and shall begin their mustering in battalion in the following manner, to wit, the first battalion shall meet in battalion on the third Monday of the said month, the second battalion on the Tuesday following; the third battalion on the Wednesday, and so on, according to the rank of battalions in the aforesaid manner, mustering each day in the week (Saturday and Sunday excepted) until the whole number of battalions belonging to each county shall have mustered in this manner; and in companies the

two first Mondays in the month of October, and the two first Mondays in November, and the first battalion in battalion on the third Monday in the month of November, the second battalion on the Tuesday following, and the third battalion on the Wednesday, and in this manner until the whole number of battalions belonging to each county, according to their ranks severally, shall have mustered on any day it may happen (except on a Saturday or Sunday as before excepted.) And on each of the said days every militia man so enrolled shall duly attend, with his arms and accoutrements in good order; and a serjeant or the clerk of each company shall, at the end of one hour after the time appointed for the meeting of the company or battalion, call over the muster-roll of the company, noting those who are absent; and on that day shall make return in writing to the captain or commanding officer then present, of such absentees: and all persons so absent at the time of calling over the roll, or who shall depart from the parade before duly discharged, shall be liable to the fines hereafter mentioned.

SECT. 22. And be it further enacted, by the authority aforesaid, That if any commissioned officer shall neglect or refuse to attend on any of the days appointed for exercise in companies, as aforesaid (unless prevented by sickness, or some other unavoidable accident) such commissioned officer shall forfeit and pay the price of three days labour; and any non-commissioned officer or private, and all enrolled persons, so refusing or neglecting (except as before excepted) shall forfeit and pay the price of one and a half day's labour; and on a brigade or battalion day, a field-officer shall forfeit and pay the price of six days labour, and a commissioned officer under that rank, the price of four days labour, and a non-com-

missioned officer or private, and all enrolled persons refusing to meet and exercise, the price of two days labour (excepting as before excepted) the said prices to be ascertained as hereafter directed; the name; and surnames of all which persons, so incurring the said fines and penalties (except such as may have paid the same into the hands of the captain or commanding officer of the company) shall be duly returned by the captain or commanding officer of each company, under his hand, together with such fines as he has received, to the lieutenant-colonels, or commanding officers of the battalions respectively, on each field day; which said lieutenant-colonel, or commanding officer of battalion, shall, on receipt of such fines and returns, forthwith transmit the same to the lieutenant, or one of the sub-lieutenants of the county: and also a duplicate thereof to the treasurer of the county; and the said lieutenant, or sub-lieutenant shall, immediately after the said returns are respectively made to him, cause the same to be recovered, by issuing his warrant to the sheriff, constable or other fit person that he can procure, to levy the aforesaid fines by distress and sale of the offenders goods and chattels, together with five per cent. for collecting where no distress is necessary to be made, and seven and an half per cent, in case of distress and sale, in full for his trouble for levying, selling and collecting (unless the offender shew cause of absence by sickness or otherwise, and can produce a certificate from the captain or commanding officer of the company, who may give such certificate, if he verily believes the offender ought to be excused from paying the said fines) but if no goods and chattels can be found, then to seize and take the body of such offender, and commit him to the common goal, or some other place of close confinement, for the space of ten days for each fine, unless

unless he sooner pay the same. And the lieutenants shall, twice in each year, transmit the said fines, when collected, into the hands of the County Treasurer, who shall pay the same into the hands of the State Treasurer, to be kept as a fund, subject to such draughts as may be made upon him, from time to time, by the Lieutenant, or at least two Sub-lieutenants for the use of the militia of that county. But if the funds of any county, by the generality of their turning out, should be insufficient to answer the draughts for the support of persons serving or suffering in the militia, in that case the Executive Council shall be empowered to draw on the funds of such other counties whose surplus may be most enabled to bear it.

SECT. 23. And be it further enacted, by the authority aforesaid, That the Treasurer of each county, and the State Treasurer, shall keep all the monies arising from fines by the militia law, separate from all other monies, and keep separate books to enter the same, for the purposes herein after mentioned.

SECT. 24. And be it enacted, by the authority aforesaid, That whenever it may be necessary to call into actual service any part of the militia, in case of a rebellion or invasion of this or any of the adjoining States, then it shall and may be lawful for the President, or Vice-president in Council, to order into actual service such part of the militia, by classes, of the city of Philadelphia, or of any county or counties, as the exigency may require. Provided, That the part so called doth not exceed four classes of the militia of the county or counties so called out; and provided also, that such counties shall not be again called upon to furnish any more militia, until an equal number of classes of the militia of the other counties respectively be first called; unless the danger of an invasion from Indians or others should make it ne-

cessary to keep in reserve the militia of such county or counties for their own immediate defence.

SECT. 25. And to the end that the militia, when called by classes, shall be properly officered, the following order is hereby directed and enjoined, that is to say;

For the first draft. The captain of the first company, the lieutenant of the second, and the ensign of the fourth.

Second draft. The captain of the second company, the lieutenant of the first, and the ensign of the third.

Third draft. The captain of the third company, the lieutenant of the fourth, and the ensign of the second.

Fourth draft. The fourth captain, the lieutenant of the third company, and the ensign of the first.

Fifth draft. The fifth captain, the lieutenant of the sixth company, and the ensign of the eighth.

Sixth draft. The sixth captain, the lieutenant of the fifth company, and the ensign of the seventh.

Seventh draft. The captain of the seventh company, the lieutenant of the eighth, and the ensign of the sixth.

Eighth draft. The captain of the eighth company, the lieutenant of seventh, and the ensign of the fifth.

Non-commissioned officers to take the tour of duty with the commissioned officers.

And the field officers of battalions in the city of Philadelphia, and in each county of this State shall be divided in like manner, and each class to be considered as a detachment from different corps, liable to serve two months and no longer, and to be relieved by the class next in numerical order, the relief to arrive at least two days before the expiration of the term of the class to be relieved; but nothing herein contained shall prevent the Supreme Executive Council from employing or calling out part of any class or any company or companies, battalion

battalion or battalions, without respect to this rule, whenever the exigency is too sudden to allow the assembling of the scattered militia which compose the particular classes; and the service of the persons so called out shall be accounted as part of their tour of duty; and the militia in actual service shall receive the same pay and rations as continental troops; their pay to commence two days before marching, and receive pay and rations at the rate of fifteen miles per day on their return home.

Sect. 26. And whereas the militia, when called into actual service, are not entitled to any bounty, such as cloathing, at the public expence; and therefore their reward is not equal to that of the regular troops.

Be it therefore enacted, by the authority aforesaid, That when the militia, or any detachment thereof, are called out on duty, each non-commissioned officer and private shall receive such a sum as, including the continental pay, will amount to the price of common labour for the time of service given, to be drawn from the treasury, by the pay-masters of the militia from time to time appointed; and the officers, whose duty it may be, are hereby required to make out separate pay-rolls of the said bounty, and that all commissioned officers shall, over and above the pay established from time to time by the honourable Congress, receive the same bounty which a private shall receive.

Sect. 27. And be it further enacted, by the authority aforesaid, That at each quarter-sessions of the peace of the city, and in the several counties throughout the State, the price of common labour, then current in the said city and counties respectively, shall be enquired into and ascertained; and the justices, or a majority of them attending the said courts, are hereby required to fix and determine what is the average price of

common labour, at that time, by the day; which price, so determined by the said justices, shall be considered as a rate by which all fines shall be determined for neglects or omissions of militia duty, during and from that time to the end of the next quarter-sessions of the peace; and the said justices are hereby required to make out a certificate of the price so determined for the lieutenants of the said city and counties respectively, under their hands and seals.

Sect. 28. And be it further enacted, by the authority aforesaid, That when any class or classes of the militia shall be called to perform any tour of duty, the Lieutenant or Sub-lieutenant shall cause each and every person so called, to be notified of such call, at least three days before the time of assembling the said militia, by a written or printed notice being delivered to him personally, or left at his house or usual place of abode, by some officer, or other fit person employed for that purpose by the commanding officer of said company; and any person refusing or neglecting to perform such tour of duty shall pay, for each and every day he shall so neglect or refuse, the price of one day's labour; and in case he shall be possessed of such estate as is herein after mentioned, shall pay such additional sum as by this act is further directed.

Sect. 29. And be it further enacted, by the authority aforesaid, That the master or mistress of any apprentice, and the father or mother of any minor, liable to serve in the militia, who shall refuse or neglect to attend as aforesaid, such minor being in the service of his father or mother, master or mistress, they shall be respectively accountable for the fine or fines so incurred, by such minor or apprentice.

Sect. 30. And be it further enacted, by the authority aforesaid, That no mariner or seaman shall be subject

to the fines and penalties of this act for not performing militia duties, if such mariner or seaman is in actual employ by being shipped for a voyage, or absent at sea.

Sect. 31. And be it further enacted, by the authority aforesaid, That the militia of this State, whilst in the actual service of the United States, shall be subject to the same rules and regulations as the federal army: Provided, that upon any transgression or offence of a militia man, whether officer or private, against the rules and regulations of the federal army, the cause shall be tried and determined by a court-martial of the militia of this State; and that it shall be in the power of the President of the Supreme Executive Council, or in case of his absence, of the commanding officer of the militia, to mitigate, suspend or pardon, any punishment to which any militia man may be sentenced by a general court-martial.

Sect. 32. And be it further enacted, by the authority aforesaid, That if any delinquent shall neglect or refuse to pay the fine for an omission of performing his tour of militia duty, within five days after the appeal herein after mentioned, it shall and may be lawful for the Lieutenant, or any Sub-lieutenant, to issue his warrant to the sheriff, or any constable or other fit person that he can procure, to levy the said fine, by distress and sale of the offender's goods and chattles, lands and tenements, together with seven and a half per cent. with the charges of keeping the distress, in full for his trouble of levying, selling, and collecting, which said distress and sale shall be made according to the directions of the law for levying and selling goods and chattels distrained for rent; but if no such goods and chattles, lands and tenement can be found, then to seize and take the body of such offender, and commit him to the common jail,

or some other place of close confinement, for the space of four months, unless he sooner pays the said fine; and no process shall issue to stay the execution of such warrant, unless in case of the seizure of real estates. Provided always, That if any person shall think himself aggrieved in the seizure of his lands and tenements, he may enter an appeal before the justices of the next Court of Common Pleas for said county, and on the party's giving sufficient security, within six days next after any lands and tenements shall be seized or distrained as aforesaid, to prosecute such appeal with effect, the justices shall receive the same and stay further process; and the said justices shall return every such appeal on the first day of the next term, and the court shall direct a trial by a jury of the county, as in cases of debt, whose verdict shall be final and conclusive; and except in extraordinary cases, of which the court shall judge, all such appeals shall be tried at the term to which such returns shall be made: Provided also, That in case real estate be sold as aforesaid, such sale shall be made by the sheriff of the county, who shall make a sufficient deed for the same, and put the purchaser into possession thereof.

To Sir GEORGE SAVILE, *Bart.*  
Member of Parliament for the  
County of York.—[See Sir GEORGE  
SAVILE's address to the Freeholders  
of the County of York, p. 242.]

SIR,

As every public address, upon constitutional subjects, to any part of the community, is necessarily an address to the whole, I trust I shall not pass the line of propriety in thus publicly presenting you with the following thoughts, occasioned by your letter to the freeholders of Yorkshire, dated Sept. 5; and I assure myself, that though I should not entirely accord with you in sentiment, you will

yet

yet put a candid interpretation upon what I beg leave to offer to your consideration.

It is but agreeing with the general opinion, when I think that the letter above-mentioned contains evidences not only of those pure intentions, but of that superior understanding, which, in the estimation of your country, have long been attributed to you. Yet, Sir, there is no degree of difference and respect which ought to beget an implicit acquiescence in the decisions of any one, on those points whereon conviction is wanting. I am not convinced nor satisfied by some parts of your letter. They are points of importance to the liberties of my country. I shall, therefore, discuss them with that sincerity which on such occasions is due to the public.

First, Sir, let me say, that I like not your strain of despondency upon the ascendancy gained by the Crown over the other branches of the Legislature; for, as I have never reited my hopes on the conversion of prostitute legislators, but on the good sense and the spirit of my countrymen at large; so I see no cause to despond, because of the extravagant excess to which parliamentary prostitution hath been carried, but quite the contrary; since the notoriety, the shameful causes, and the destructive consequences of that prostitution, are at length awakening the people to a sense of the necessity of a serious and effectual reformation. But, Sir, were things yet worse, were they as hopeless as you seem to imagine, teach us not, I beseech you, to despond. Our minds ought to revolt at the thought, were it even now the last moment of choice, between slavery and death. He who is determined to live free, if he lives at all, has no place in his breast for such a sentiment. Although a military despotism domineered it over his country, yet, while possessed of a mind to

conceive the means of recovering its freedom, and of a hand to attempt the execution, his soul could not brook that degrading something which accompanies despondency. Infatuated men may fancy they have so far entangled in their toils the English Lion, that he shall become a servile animal, to lick their feet, and bear their burthens and their insults: but let them beware! Lions sometimes sleep, and are sometimes made tame and gentle, but they are lions still.

That we were not, *like the unhappy Swedes a few years ago*, enslaved when the military power was set paramount over the laws and civil magistracy on occasion of the late riots, it seems, by the account of the noble Lord who moved the address in the House of Peers, we are to esteem as an act of wonderful virtue and clemency in his Majesty. Aye! was it so?—So then, had his Majesty aspired to arbitrary power, he might, on that occasion, have seized it; and, together with a slaughter of a profligate banditti, have destroyed the last remnant of our Constitution. Kings may be virtuous, but the people who suffer the possibility of such an event, are criminally negligent of their safety. What! has a King, who desires to enslave us, nothing more to do than to contrive a riot in the metropolis, and then to call forth his army and supersede all the civil powers of the State? If this friendly admonition from a young nobleman, and the recollection of that infamous business, as well as the disgraceful helplessness of the inhabitants, through neglect of the laws still in force for all house-keepers to be armed for defence of the public liberty and peace, shall not rouse us from our supineness, and animate us to guard against similar dangers, it must be acknowledged, that we shall deserve to be enslaved. The price of a musket is a few shillings,

lings, and in a few days is learnt the use of it. The exercises are manly, healthy and amusing. Thus cheap and agreeable are the means of public safety; to say nothing of the satisfaction and honour of feeling ourselves the constitutional and unsuspected guardians of the liberty and property of our fellow citizens. Let those who will not move a finger to avert conflagrations and pillage, and who relish arbitrary government, military laws, and taxations, at the point of the bayonet, sit them down by the fire sides in servile sloth, until mobs and mercenary soldiers come to take their spoils!

But to return, Sir, from this digression, to parts of your letter, which I like still less than I do your desponding language, it is with surprise and concern I observe, when you speak of *the duration of parliament*, and of *the representation of the people* in those parliaments, that you treat them not as masters in which the people have any *rights*, but merely on the ground of *State expediency*, which I take to be the very work of all securities for public freedom. In what you say on these subjects, there are no fundamentals, no first principles of eternal justice, nothing certain and immutable to build on, but the whole is enveloped with uncomfortable doubts and apprehensions, in obscurity and fearful darkness; and the expedients you adopt with so much hesitation and so little hope, appear at last to be a flimsy superstructure without a foundation.

With respect to representation and the duration of Parliaments, have the people, or have they not, any positive *RIGHTS*, founded in the laws of nature, and remaining unalterably the same through all ages? You have not only, Sir, omitted to assert them, but your reasoning, as it appears to me, implies that you

think they have no such rights. When you speak of "a perfect right in the sender to judge for what time he, who is sent to Parliament, shall sit there," you evidently suppose a right changeable at will; right to appoint representatives for three years or for seven; for thirty or for seventy, or any other term whatever: not recollecting the essential difference between rights personal and political; and that no act of any body of electors can divest their successors in the community of their election rights, for any term either longer or shorter. What you have inadvertently called "a perfect right," is, therefore, no right, but an absolute power of enslaving posterity. I am as tenacious as any man of popular rights, but I will not compliment even the majesty of the people with prerogatives that do not belong to it; much less shall I allow, that the present qualified electors are "a sort of representatives of all the people, whose rights they are in the first instance intrusted with;" for I deny that members of Parliament are *the deputies of deputies*, as that any such trust as is here spoken of, is by our Constitution reposed in these electors.

The exclusion of the non-electors is naked unpalliated despotism; and more than any other, and all other causes combined, it hath been productive of that corruption which has well nigh ruined the State. But, Sir, you tell us, that "all the people would be too numerous to vote themselves."—Aye, indeed!—But if they be too numerous to vote, they are too numerous to be free. The conclusion is unavoidable. But this assertion is an unguarded one, indeed, from the representative of Yorkshire, who boasts in the same page of his "*twenty thousand electors*," If those *twenty thousand* be not too numerous to vote in one election,



election, I beg to know how *three thousand* would be too great a body to exercise this franchise: and that is a greater number than ever would be concerned in any one election, according to any of the plans lately submitted to the public for an equal and universal representation; besides, that the proposal for taking a poll in every parish, would *subdivide* this number into several small parties, who would go through the business of an election with as much peace and quietness, as now they attend divine service.\* *All the people of England*, we all know, could not vote at one and the same election; but if every man were multiplied into a million, still it is evident, that *all* might vote without inconvenience.

I hope, Sir, I misunderstand you, when I conceive it to be your opinion, that, upon the points in question, the people have no positive rights, but are doomed to rest the security of their lives, property, and freedom, on *State expediency*. That they have such rights, Nature proclaims aloud. Those rights and the first principles of politics are the same. Without first principles, there could be no science nor any ground of knowledge. Without human rights, there could exist no compacts, nor foundation whereon to erect law and government; but confusion and anarchy must dissolve society, and the condition of mankind must be worse than that of the brutes.

On the question under discussion, it is happy for our country, that truth is not far to seek. Appeals to the primary truths of nature or *first principles*, to undeniable *maxims*, immediately and unavoidably deducible from those first principles, and

a reference to *fact*, will satisfy every enquirer.

I will now concisely state the rights of the people, in respect of representation and the duties of parliaments, as they appeared to me to rest upon the foundations of eternal truth and justice.

1. Man is capable of virtue and vice, happiness and misery, being a mortal agent, accountable to his Creator.

2. Free-agency is essential to the nature of man, otherwise he could not be capable of virtue and vice.

3. All men, by nature, are equal so far as relates to the *common rights* of humanity.

4. But if a part of any community were governed by laws, made by persons whom *other men had set over them*, natural equality and common right would be destroyed.

5. Hence it is essential to natural equality and common right, that *ALL* have a voice in the appointing of legislators.

6. It is also evidently essential to that common right, that the inhabitants of each particular district of a country, should share in the national representation, as their numbers respectively are proportioned to the numbers of the whole people.

7. Legislative elections, according to justice and common right, can only be for a single session; because, whenever continued for a longer period, than those, who since the expiration of that session are of years competent to vote, are denied their right; and, being governed by men whom other persons have set over them, they are enslaved.

Thus, Sir, our rights to an *equal*, *annual*, and *universal* representa-

\* See the Duke of Richmond's bill; a plan of election drawn by the Sub-committee of Westminster; Mr. Northcote's corrupt influence removed; the legislative rights of the commonality vindicated, and the people's barrier.

tion, are, as I conceive, undeniably proved\*; and proved to be inherent in our nature, sacred and unalienable. If so, let me ask who shall presume to violate them, and to set up their fanciful ideas of State expediency to supersede the unalterable laws of God!—Away, then, with triennial parliaments, additional knights, and all such trumpery! When our whole parliamentary frame is rotten, our freedom an absolute wreck, and the waves of tyranny threaten it with instant annihilation, to content ourselves with stopping one leak, while we leave a hundred unclosed, would be the wisdom of infancy or insanity.

By one and the same act, every violated principle must be restored; a plan, complete in all its parts, must be adopted; nor will a “*miracle*” be necessary to its success, unless it be a miracle for men professing patriotism, to yield to demonstration, and to abstain from violating the rights of their fellow citizens.

I look not into the calendar to see what kind of a new Parliament we have gotten! 'Tis sufficient for me that the greatest part of the foundations are rotten, and its corner stones laid in iniquity. Scarcely a tythe of the people—*notwithstanding His Majesty's speech*—have any share in elections, and a majority of it are chosen by a *two-hundred-and-fiftieth* part of them; but it is from this majority that His Majesty is to take the sense of the nation! As, like yourself, Sir, “I expect no miracles,” I do not look for reformation from such a Parliament; and I am somewhat deceived if such a Parliament will consent to your clipping the wings of influence, by abolishing places and pensions, and restricting the expen-

diture of public money. The children of corruption are wise in their generation, and will laugh you to scorn, if you should think to gain upon them step by step, vote by vote, bill by bill, until you shall have restored the Constitution. If the step by step movements of patriotism—of opposition, I mean, ever since the Revolution, have only placed us farther and farther from freedom, I see no cause to trust in such a water-gruel medicine, for the cure of our political distemper, in the last stage of its malignancy.

A plan, I say, complete in all its parts, and restoring every violated principle, must be adopted. It must manifest the perfect disinterestedness of its proposers, it must free them from the most distant suspicion of contending for the loaves and fishes of office, or coveting inordinate power; and it must hold forth to the people their election rights unabridged, and power annually to create a breach of Legislature, perfectly in their own interest. Such is the plan in the bill proposed by the Duke of Richmond; a bill, which, without exception, contains the noblest declaration of rights that ever came before an English Parliament. Let the opposers of corruption *unite* in this plan, and upon this noble ground invite the people to meet them; and if they succeed not, it will then be time enough to blame the people for wanting sense, spirit, and virtue, and to despair of the commonwealth.

But, from observations which I can depend upon, I am warranted to pronounce, that the blame lies not at the door of *the people*. They will come forward whenever treated with a plain dealing which they can understand, and an integrity of which

\* As this doctrine cannot be disproved, it is, it seems, if possible, to be brought into ridicule; and I find a prostitute buffoon, who is the professed advocate of Ministry, has undertaken the task; but, like the divine Socrates, the doctrine stands forth, and bids the buffoon defiance.

It shall be impossible to doubt. When they shall see clearly to the bottom of the business, and perceive that the proposed reformation will give power to themselves, and a lasting security against oppression or delusion from any quarter; while their leaders, although made Ministers that moment, shall be placed effectually under the controul of their freely-chosen and independent representatives, no instance of their conduct can be quoted whereon to found the slightest suspicion, that they would not venerate such leaders, and carry them triumphantly through their generous undertaking. To yourself, Sir, to Admiral Keppel, and Mr. Fox, I would particularly appeal for the justness of this observation.

I would not insinuate, that I think the admirable bill above-mentioned incapable of amendments. It may have its trivial defects; for a mind intent on saving a nation, may easily overlook trifles; and were I to alter it to my own entire liking, I should add to it the ballot. Indeed, with all the deference I most sensibly feel for its noble author's discernment and judgment, I cannot divest myself of the opinion, that the ballot is necessary to free elections. It is said there is something mean and sneaking in the idea of an Englishman's not giving his vote openly for the candidate he most approves of. In reply, let me ask, if it be not something worse, if it be not stabbing the constitution in a vital part, for Englishmen *publicly* to give their votes for candidates they do *not* most approve of, at the imperious will of a Minister, a master, a landlord, or employer? and that this species of slavery, for want of a ballot, is notorious, and as extensive as the wide field of relationship in those several respects, cannot be denied.—But when we talk of sneakiness of voting by ballot, we should recollect that few of us but

practise it in some club or select society; and its universality in such elections may well be admitted as a proof of its utility. For my own part, I should not feel, that at an election of a representative, I acted inconsistently with the highest degree of human dignity, in giving a secret suffrage. Were all men independent in their fortunes, a ballot would certainly be unnecessary: but as that is comparatively the case with few, why in the name of equity, humanity, and morality, shall we lay snares for men's consciences; and expose the *upright* to punishment, while the *mean* and *sneaking* shall purchase favour by their baseness?

Thus, Sir, have I laid before you my thoughts very freely upon those RIGHTS which I claim for myself and my fellow citizens, upon the means of UNANIMITY, and upon the PRACTICABILITY of those reforms which are wanting to restore the constitution.

That you may be an instrument in the hands of Divine Providence to bring about an event so desirable, is the sincere wish of, Sir,

Your most obedient humble servant,

JOHN CARTWRIGHT,

*Nov. 6th, 1780.*

In Sir George Savile's Address to the Freeholders of York, in page 244, line 8, instead of, I do intend to give my voice, read, I do *not* intend.

In page 226, mention is made (from the London Gazette) of the capture of the Hon. Henry Laurens; when he landed in England, he was brought to London, and committed close prisoner to the Tower.

The commitment of Mr. Laurens to the Tower of London, by the three Secretaries of State, runs thus:

"These are in his Majesty's name, to authorize you to receive into your custody, the person of Henry Laurens, Esq. sent herewith on suspicion of high treason, whom you are to keep safe until he shall be delivered

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by due course of law: for so doing this is your warrant.

Dated at Whitehall, the 6th day of October, 1780.

STORMONT.

HILLSBOROUGH.

G. GERMAIN.

To Charles Earl Cornwallis, Constable of the Tower of London, or his deputy."

*Hague, Nov. 5.*

*On the 21st of October his Highness gave the following notice to the States of Holland and West Frisland.*

" Noble and Great Mightinesses, " Sir Joseph Yorke, his Britannic Majesty's Ambassador, having delivered to me a few days ago, in the name of the King, his master, the papers hereto annexed, which were found among those of Laurens, formerly President of the Congress, now a state prisoner at London, I thought it my duty to lay them before your Noble and Great Mightinesses, that you might take such resolutions on the subject as to your enlightened wisdom should appear necessary. I cannot, however, refrain from certifying, that I never had any knowledge of any consultations being held, much less an authority being given for commencing a treaty with the Colonies of North America."

Upon his Highness having been thanked for the communication which he had made, as well as for the continual proofs of his paternal solicitude, and his vigilance for the interests of the State, and having afterwards taken it into their consideration, that the papers in question appeared to relate to a certain private correspondence and secret negotiation, which had taken place between a Commissary from the Congress of North America, and the merchants of the city of Amsterdam, authorised by the order and instructions of a Minister of the same city, touching

the formation of a treaty of commerce between the Republic and the North American Colonies, the sovereignty and independency of which have never been acknowledged by this State; that their High Mightinesses have never deliberated in any manner for the purpose of drawing on such a negotiation, much less has any authority or qualification of that kind been granted to any person whatever: it has been decided " that copies of the above-mentioned pieces should be sent to the Burgomasters and Magistrates of the City of Amsterdam, that they might communicate their advice upon this subject to their Noble and Great Mightinesses as soon as possible."

In consequence of this notification, the venerable Magistrate of Amsterdam replied on the 25th ult. in the following manner:

" Noble and Great Mightinesses,

" To satisfy the resolution and most respectable notification of your Noble and Great Mightinesses, by which your Noble and Great Mightinesses have required our advice upon the five pieces thereto annexed, we have not lost any time, but have replied to it with all possible celerity.

" We have first the honour to observe, that it is notorious, that in 1778, the British Court, by Commissioners, treated with the Colonies of North America, upon the subject of an accommodation, respecting the troubles subsisting with the Colonies. That it is no less known that the said American Colonies have formed a defensive alliance with France, and have already concluded a treaty of commerce with the same kingdom. That at last the jealousy of our neighbours, with regard to navigation and commerce, is become manifest; and it is no less certain, that on that very account, and particularly in the present moment, the Republic finds itself continually exposed to the disadvantages which must

must result to the principal source of its existence. That in this state of things, so long as the British Colonies of North America are not publicly acknowledged as independent by any of the European powers (France alone excepted) it is absolutely impossible that any deliberations concerning a regular negotiation or treaty of commerce, with the United States of America, could have been commenced, or that any introductory proposition could have been made to that effect, either by the City of Amsterdam, or by any other member of the High Government, and that by a necessary consequence no such thing could have taken place, but as a preparatory measure, to prevent an exclusive treaty with other powers, and only was to have been carried into execution when the affair had gained so great a degree of maturity as to have furnished the matter for a form of deliberation of the state, as a proposal from this city, or in some other manner.

“ The magistrates of cities, flourishing by their commerce, who are at the same time members of the integral parts of the sovereignty, would acquit themselves very indifferently of their duty both to the inhabitants, and with respect to the public cause, if they were not careful to seize all occasions that were presented to them, by which they of themselves, might support, and contribute to the advancement of the interest of national commerce in general, and that of their respective cities in particular.

Thus, Noble and Mighty Lords, in consequence of these considerations, the Burgomasters, after having been informed that a Commissioner of the Congress of North America had made some overtures to a Dutch merchant of Amsterdam, that they had an intention of forming some commercial ties with this Republic,

comprising on one part that from the circumstance of the United States of North America, not having yet been acknowledged as an independent state, it was impossible to present to your Noble and Great Mightinesses any impositions tending to the commencement of a formal negotiation; whilst the Burgomasters were no less persuaded that *on account of the jealousy already displayed, and continually increasing in the neighbouring powers on the subject of the commerce and navigation of this country, as well as on account of all the enterprises undertaken, which are too notorious not to create in them a perpetual partiality towards the welfare of this state, and induce them to grant on this occasion, advantages which are not stipulated in treaties of peace and commerce;* their indispensable duty required that they should make such use of the overtures presented by the said American Commissioner as the situation of affairs would admit. That in the present circumstances they could not do otherwise than give as much hope, as the Burgomasters could actually, at a proper time fulfil, and exact, on the other hand, every thing that the above-mentioned American Commissioner, and those whom he represented, could promise.

“ And this last point was chiefly to constitute the promise, *that on account of the present negotiation of an accommodation with England (under the stipulation of independence) they were not to promise any exclusive advantages respecting commerce that might be detrimental to the Republic of the United Provinces;* the Burgomasters on their parts not being able to promise any thing, but that in the *deliberations of the state*, which might be commenced for forming a treaty of commerce (not only between the city of Amsterdam and the United States of North America, but between those states and their

High Mightinesses.) They, *Casus quoque*, in these deliberations of the state, and not in any other, would do all in their power for establishing, as soon as the independency of North America should be acknowledged by England, in the most advantageous manner, the navigation and commerce between the reciprocal States; from whence it naturally resulted, that on each side a plan was projected, to which, as far as could with probability be foreseen, the respective sovereigns would have given their concurrence.

“ These ideas of the Burgomasters, which had not solely in view the private interest of the merchants residing at Amsterdam, but that of the commerce of all the Republic in general; ideas which besides can hardly be suspected of originating in a design to injure, or shew contempt to any member of the Supreme Government, since without their concurrence and unanimous consent, no treaty could be concluded between their High Mightinesses and the United States of America, insomuch that whatever might be treated of before such a sanction was given to it, could only be considered as a simple project; in one word, such a design might without doubt have been conceived by the members of the Supreme Government, have been laid before the eyes of your Noble and Great Mightinesses, and there have been proposed as a subject of deliberation, without such a proceeding ever being disapproved of on the part of a member, or your being able to find it improper; and, what is yet more, it has never become a question, whether or no a member of the Supreme Government had occasion for any authority, in forming similar projects, and presenting them for deliberation.

From these considerations the Burgomasters took the resolution of employing their most ancient Pen-  
sioner to declare in their name to the

American Commissioner, that in case the negotiation commenced between Great Britain and the Congress of the United States of North America, did not contain any conditions contrary to the advantage of this Republic, the Burgomasters then on their sides, as soon as the independency of the States should have been acknowledged by England, would exert their utmost power that the treaty of commerce which had been projected and approved of, might be agreed to, and ratified by the other co-allies.—That besides this, and with their consent, the said Pensioner had employed the merchant of Amsterdam in question, to continue the above-mentioned conferences with the said American Commissioner, and to form with him a plan for a treaty of commerce, which, as soon as the independence in question should have been acknowledged, might have been proposed as an object for the deliberation of your Noble and Great Mightinesses, by the magistracy of the city of Amsterdam.

“ Such has been throughout this affair, the conduct of the Burgomasters, and their Minister; in which they have had evidently no other view but that of guarding the commercial interest of the Republic; insomuch, that it was in the power of any particular member of the government of this province, to have fashioned it so as to have prevented the result of it from being the smallest disadvantage to any of the other members.

“ It is true, that this proceeding will in all probability displease those powers, who view the commercial prosperity of this country with an unfavourable eye; but however that may be, we can scarcely imagine it possible that the members who compose the assembly of your Noble and Great Mightinesses, can consider our conduct as a *private correspondence, and secret negotiation, incompatible with the interest of the States*; and we think that it may be concluded.

from

from what has been stated, that the Burgomasters in acting thus, have not formed any engagement whatever, but have merely passed a declaration of what at a proper time, in case of a regular treaty of commerce taking place, they intended fully to ratify.

"As to what concerns the other annexed papers, as they consist entirely of a correspondence by letters, in which we have no concern, as appears manifestly by the signatures of those letters, and to which the above-mentioned declaration, which was sent by our most ancient Pensioner, who received our authority for so doing, to the abovesaid American Commissioner, bears no reference; as its sole object was the forming of the plan in question, we are not able to give any information respecting them.

"As we now think that we have entirely complied with the respectable commands of your Noble and Great Mightinesses, we imagine that we may in consequence expect that your Noble and Great Mightinesses will make no difficulty of declaring, as soon as possible, that you are entirely satisfied with the information we have given you; and we have the greater right to insist upon this, as various reports relative to this affair have come to our knowledge; and as no member of the State ought to suffer in his character, we cannot help endeavouring to remove those false impressions by every means in our power. And beseeching, noble and great Lords, that the Almighty would be pleased to grant to your Noble and Great Mightinesses the blessings of a happy government.

We are your Noble and Great Mightinesses' most obedient servants,  
The BURGOMASTERS  
of Amsterdam."

Signed by order,

J. M. VAN PAEST.

*Hague, Nov. 12.* On the 10th instant Sir Joseph Yorke presented to the States-General a memorial, con-

cerning the five papers found amongst those of Mr. Laurens, late President of the Congress; it is to the following purport:

"*High and Mighty Lords,*

"The King, my master, has, during the whole course of his reign, manifested the strongest desire of maintaining the union that has subsisted for above a century between him and this Republic. This union rests on the firm basis of reciprocal interest; and, as it ever was known to contribute greatly to the advantage of both nations, their natural enemy has set to work all the engines of politics to destroy it.—For some time such attempts have met with but too great a success, being countenanced by a faction that wishes to rule over the whole Republic, and is ever ready to sacrifice the public good to its own private views. His Majesty sees, with no less surprize than concern, the little regard that has been hitherto paid to his reiterated claim of the assistance stipulated by treaties, and to the remonstrances made by his Ambassador, on the daily infractions of the most solemn engagements.

"The King's moderation has induced his Majesty to look upon the conduct of your High Mightinesses, as the working of a predominant cabal, and is still persuaded that your wisdom and justice will direct you to fulfil your engagements towards him, and to shew by all the tenour of your future conduct, that you are determined to pursue with vigour, the plan set on foot by the wisdom of your ancestors; the only one that can secure the safety and glory of the Republic.

"The answer your High Mightinesses will be pleased to return to the following declaration, which the underwritten now presents by express command of his court, will prove the touchstone of your intentions and sentiments towards his Majesty.

"For a long time past his Majesty has

has had numberless surmises of the dangerous designs hatched by an-unbridled faction; but the papers of the Sieur Laurens, calling himself President of the pretended Congress, have led to the discovery of a plot unprecedented in the annals of the Republic. It appears by the papers alluded to, that the States of Amsterdam have entered into a clandestine correspondence with the American rebels, so early as the month of August, 1778; that instructions and powers have been given by them, for the purpose of entering into a treaty of indissoluble friendship with the said rebels, natural subjects of a sovereign to whom the Republic is joined by the strictest ties of friendship. The authors of this plot do not pretend to deny it. They, on the contrary, avow and labour, though in vain, to justify it. In these circumstances, the King, relying on the equity of your High Mightinesses, requires that so irregular a conduct may be formally disavowed, as it is no less contrary to your most sacred engagements, than repugnant to the Dutch constitution. The King further insists on speedy satisfaction, adequate to the offence, and the exemplary punishment of the Pensionary Van Berkel and his accomplices, as disturbers of the public peace, and violators of the rights of nations. His Majesty flatters himself that the answer of your High Mightinesses will be speedy, and to the purpose in every respect; but if the contrary should be the case, and your High Mightinesses should refuse to comply with so just a request, or endeavour to pass it over in silence, which will be deemed as a denial, the King cannot but look on the whole Republic as approving of misdeeds, which they would refuse to disavow or punish; and in such a case his Majesty will think himself obliged to take such steps as become his dignity, and the interests of his subjects.

Written at the Hague, Nov. 10, 1780.

LE CHEVALIER YORKE."

*Translation of an Arret of the French Council of State, for opening a Loan by way of Lottery, re-imbursement in nine years. Dated at Marly the 29th of October, 1780. Extracted from the Registers of the Council of State.*

The King in order to supply the wants occasioned by the present circumstances, has thought proper to open a loan of thirty-six millions of livres, reimbursable in nine years, and consisting of thirty thousand bills or tickets, at the rate of one thousand and two hundred livres each. The subscribers or lenders will find many chances of fortune therein, and will, moreover, be secured, even in the most unfavourable case, of the reimbursement of their capital with an additional sum of three hundred livres for each ticket. These annual payments, to which his Majesty engages himself, will be nearly balanced by the natural extinction of some other reimbursements, and by that of life annuities; so that this loan will in no manner disturb the ordinary course of operation of his Majesty's finances. Which therefore meaning to enact, after having heard the report, the King, being in his Council, has ordered, and orders as follows :

ARTICLE I. On the 6th day of November next, a loan shall be opened in the Royal Treasury, at the Sieur Micault d'Harvelay's, which shall consist in thirty thousand bills or tickets, at the rate of one thousand and two hundred livres each, forming in the whole a capital of thirty-six millions.

ART. II. Before the day here abovementioned for the public distribution, offers will be received from such persons as wish to interest themselves for any considerable number



ber of tickets; that is to say, from one hundred and above, but only to the amount of fifteen thousand tickets : and from and after the 6th day of November next, the other fifteen thousand tickets shall be distributed, for ready money only, and in small quantities.

ART. III. In the month of January 1782, the sum of one hundred livres shall be reimbursed or paid upon each ticket, and the like sum in each of the two following years, until the month of January 1784 inclusive ; and in the month of January 1785, the sum of two hundred livres shall be paid upon each ticket, and the like sum in each of the five following years, until the month of January 1790 inclusive ; which, in the whole, will amount to fifteen hundred livres each ticket.

ART. IV. On the first day of May next, four thousand tickets shall be drawn, which tickets shall have part in a lottery of prizes, that shall be drawn during the last days of the month of September next following, and which shall be conformable to the scheme hereunto annexed.

ART. V. During the eight following years, that is to say, from 1782, until 1789 inclusive, and at the same periods, the number of two thousand tickets shall be drawn every year, which tickets shall have part in a lottery of prizes that shall likewise be drawn every year conformable to the scheme hereunto annexed.

ART. VI. All the tickets which shall thus be drawn every year to have part in the prizes, as well as even those tickets that shall have gained any of those prizes, shall be put again into the wheel, so that the same ticket shall have a chance of gaining several prizes.

ART. VII. In order to execute the more easily the dispositions contained in the preceding articles, each of the said thirty thousand bills shall be composed of nine reimburs-

ments or lottery tickets, conformable to the scheme and form hereunto annexed.

ART. VIII. All the drawings of the tickets and lotteries here above-mentioned, shall be made publicly, in the great hall of the Hotel de Ville (Guild-hall) of Paris, in the same manner, and with the same formalities as usual, in the presence of the Provost of Merchants (Lord Mayor) and the Alderman of the said city.

ART. IX. All the payments stipulated by the preceding dispositions, shall also be made publicly, from the 1st of January every year, by the keeper of the Royal Treasury for the time being.

ART. X. All his Majesty's subjects, of what age, sex, quality, and condition soever, they may be, may interest themselves in the said loan ; as also all foreigners ; his Majesty having renounced, and renouncing by the presents, in favour of the said foreigner, even in regard to those who are subject to princes and states with whom his Majesty at present is, or hereafter may be, at war, to all duties and taxes, discounts, confiscations, and reprisals, which in other cases to him might appertain. Done in the Council of State, present the King's most excellent Majesty, holden at Marly the twenty-ninth day of October, one thousand seven hundred and eighty.

(Signed) AMELOT.

[The above is declared by the Court of France to be the only sum which they shall have occasion to raise upon the subjects for the service of the ensuing year.]

*American account of the Battle of Camden.*

*Philadelphia, Sept. 12.*

*Extract of a Letter from Gen. GATES to the President of the Congress, dated Hillsborough, Aug. 20, 1780.*

" SIR,

" In the deepest distress and anxiety of mind, I am obliged to acquaint

your

your Excellency with the defeat of the troops under my command. I arrived with the Maryland line, the artillery, and the North-Carolina militia, on the 13th instant at Rug-lev, thirteen miles from Camden; took post there, and was the next day joined by General Stephens, with 700 militia from Virginia; Colonel Sumpter, who was at the Waxaws with 400 South-Carolina militia, had the Sunday before, killed and taken near 300 of the enemy, who were posted at the Hanging Rock. This, and other strokes upon the enemy's advanced posts, occasioned their quitting in all the out-posts to Camden. The 15th at day-light I reinforced Colonel Sumpter with 300 North-Carolina militia, 100 of the Maryland line, and two three-pounders from the artillery, having previously ordered him down to the Waxaws, and directed, as soon as the reinforcements joined him, that he should proceed down the Wateree, opposite Camden, intercept any stores coming to the enemy, and particularly the troops from Ninety-six, who were likewise withdrawn from that post.— This was well executed by Colonel Sumpter, as his letter inclosed will shew.

“ Having communicated my plan to the general officers, in the afternoon of the 15th instant, it was resolved to march at ten at night, to take post in a very advantageous situation, with a deep creek in front, seven miles from Camden; the heavy baggage, &c. being ordered to march immediately by the Waxaw road.— At ten the army began to march in the following order:—Colonel Armand's legion in front, supported on both flanks by Colonel Potterfield's regiment, and the light infantry of the militia, the advanced guard of infantry, the Maryland line, with their artillery in front of the brigades, the North-Carolina militia, the Virginia militia, the artillery, &c. and the rear guard. Having marched

about five miles, the legion was charged by the enemy's cavalry, and well supported on the flanks, as they were ordered, by Col. Potterfield, who beat back the enemy's horse, and was himself unfortunately wounded; but the enemy's infantry advancing with a heavy fire, the troops in front gave way to the first Maryland brigade, and a confusion ensued which took some time to regulate.— At length, the army was ranged in line of battle, in the following order: General Gift's brigade upon the right, with his right close to a swamp, the North Carolina militia in the center, and the Virginia militia, with the light infantry and Potterfield's corps upon the left; the artillery divided to the brigades, and the first Maryland brigade as a corps de reserve, and to cover the cannon in the road, at a proper distance in the rear. Colonel Armand's corps were ordered to the left, to support the left flank and oppose the enemy's cavalry. At day-light the army attacked and drove in our light party in front, when I ordered the left to advance and attack the enemy; but to my astonishment the left wing and North-Carolina militia gave way. General Caswell and myself, assisted by a number of officers, did all in our power to rally the broken troops, but to no purpose; for the enemy coming round the left flank of the Maryland division, completed the rout of the whole militia, who left the contingents to oppose the enemy's whole force. I endeavoured, with General Caswell, to rally the militia at some distance, on an advantageous piece of ground, but the enemy's cavalry continuing to harass their rear, they ran like a torrent, and bore all before them. Hoping yet, that a few miles in the rear, they might recover from their panic, and again be brought into order, I continued my endeavour, but this likewise proved in vain.

“ The militia having taken the woods

woods in all directions, I concluded with General Caswell, to retire towards Charlotte. I got here late in the night, but reflecting there was no prospect of collecting a force at that place, adequate to the defence of the country, I proceeded with all possible dispatch hither, to endeavour to fall upon some plan of defence, in conjunction with the legislative body of the state. I shall immediately dispatch a flag to Lord Cornwallis, to know the situation of our wounded, and the number and condition of the prisoners in his hands."

*Copy of a letter from Col. SUMPTER, to General GATES, dated Wateree Ferry, Aug. 15, 1780.*

"Dear General,

"I have just time to inform you, that early this morning I took possession of all the pass-ways over the Wateree river, from Elkinfles ford to Mr. Whitcar's ferry, five miles below Camden. The enemy had guards at many different places upon the river, all of which were evacuated last night or this morning, and the guards ordered into Camden, except those at Wateree Ferry, which was continued on both sides of the river, of which the guard upon the west side was surprized by a party of my men, who killed seven and took about 30 prisoners, among which was Col. Cary, the commander, together with 38 waggons, loaded with corn, rum, &c. also a number of horses; the boats are all upon the opposite side of the river, the ground upon this side is very bad, the enemy keep up a constant fire, but I have received no damage yet. I intend to keep possession if I can, until I am honoured with your Excellency's further command. I should not have been so precipitate in my movements, but foresaw the excessive disadvantage that would result from their having the communication open, whereby they were constantly receiving both men and provisions.

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"The number of troops, regulars I mean, do not exceed 2,000, and not as many as 1,000 of the militia, who are generally sickly and much dispirited; there is a reinforcement said to be upon the road from town, which will arrive in two days, the number about 500.

"As soon as possible will give you an account of what is passing.

I am, dear General,

with the greatest respect,

Your Excellency's most obedient

humble servant,

THOMAS SUMPTER."

*His Excellency General Gates.*

"P. S. I have the pleasure to inform your Excellency, that I have this instant made about 70 prisoners, all British, six waggons, baggage, &c. just from Ninety-six, many of the prisoners are sick."

*Extract of a letter from Governor NASH, to the Delegates of North-Carolina, dated Hillsborough, Aug. 23, 1780.*

"Since our late defeat near Camden, I delayed writing till I could give you some certain account of that unhappy affair. The militia, except one North-Carolina regiment commanded on the occasion by Col. Dixon, of the regulars, gave way on the first fire, and fled with the utmost precipitation. The regulars and the regiment just mentioned, bravely stood and pushed bayonets to the last. By the desertion of the militia, the enemy were able to turn the left of the standing troops, and to bend their whole force against them. The conflict was obstinate and bloody, and lasted for fifteen minutes. After our brave troops had retreated from the ground, they were fiercely charged by a party of British horse, whom they repulsed; and, to their immortal honour, made good their retreat. General Caswell has sent in a flag, and a surgeon to attend the wounded. As yet we have no particular account of the fate of the missing, except a

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few

few principal officers, among these is the Baron de Kalb, said to be mortally wounded. Generals Gist, Smallwood, Stephens, Rutherford, Butler, and Gregory are safe, so is Col. Gunby, who was said to be killed.—To add to our misfortunes, Colonel Sumpter, who the day before the action captured a party of the British with 40 waggons, was the day after the action overtaken and surprized near the Hanging-Rock, by a party of the British horse. They came on him so unprepared, as to oblige him and his men to fly to the woods, leaving their prisoners, waggons, and even their arms behind them. Gen. Stephens writes to General Gates, that he has collected between seven and eight hundred of Virginia militia and state troops. Gen. Caswell made a stand at Charlotte, near the boundary line, and killed in upwards of 1,000 fresh men. These he added to Col. Sumpter's party of about 700, and gave him the command of the whole, whilst he came here. I have ordered out three regiments from this district, and mean to put them under the command of General Sumner, and the officers of the three regular regiments of this State, so that I hope in a few days we shall be able to assume a tolerable good countenance."

*Extract of a letter from General GATES to the President of Congress, dated Hillsborough, Aug. 30, 1780.*

"SIR,

"I have the honour to enclose to your Excellency, for the perusal of Congress, my letter of this date to General Washington.

*Extract from the enclosed letter to General WASHINGTON, dated Hillsborough, Aug. 30, 1780.*

"Since my public letter to Congress, I have been able to collect authentic returns of the killed, wounded and missing of the officers of the Maryland line, Delaware regiment, artilleryists, and those of the legion under Colonel Armand. They are enclosed,

"The militia broke so early in the day, and scattered in so many directions upon their retreat, that very few have fallen into the hands of the enemy.—By the firmness and bravery of the continental troops the victory is far from being bloodless on the part of the foe, they having upwards of 500 men, with officers in proportion, killed and wounded. Lord Cornwallis remained with his army at Camden, when I received the last accounts from thence. Two days after the action of the 16th, fortune seemed determined to continue to distress us; for Colonel Sumpter, having marched near 40 miles up the river Wateree, halted with the waggons and prisoners he had taken on the 15th. By some indiscretion, the men were surprized, cut off from their arms, the whole routed, and the waggons and prisoners re-taken. Colonel Sumpter, since his surprize and defeat up the west side of the Wateree, has reinstated and increased his corps to upwards of 1000 men.—I have directed him to continue to harass the enemy upon that side; Lord Cornwallis will therefore be cautious how he makes any considerable movement to the eastward, while this corps remains in force upon his left flank, and the main army is in a manner cantoned in his front.—Anxious for the public good, I shall continue my unwearied endeavours to stop the progress of the enemy, to reinstate our affairs, to recommence an offensive war, and recover our losses in these Southern States.

The enclosed return is as follows :  
*List of the Continental officers killed, captivated, wounded and missing, in the actions of the 16th and 18th of August, 1780.*

**Killed.** The Honourable Major-general the Baron de Kalb; Capt. Williams, 6th Maryland regiment; Capt. Duvall, 2d ditto; Lieutenant Donovan, 6th ditto; Lt. and Adj. Coleman, artillery.

**Wounded.** Capt. Somervell, 6th Maryland

Maryland regiment; Gibson, 5th do. Roun, Virginia State artillery; Lieut. Duvall, 3d Maryland regt. Sears, do. Ensign Fickle, 7th.

Prisoners. Lieut. Col. Woolford, 5th Maryland regt. wounded; Lieut. Col. Vaughan, Delaware; Lieut. Col. Potterfield, Virginia State, wounded; Lieut. Col. Du Bufon, A. D. Camp Gerald Kalb, do. Majors Winder, 1st Maryland regiment; Penton, Delaware regiment; Pinckney, A. D. Camp General Gates, wounded; Captains Brice, 3d Maryland regt; Hoops, 5th do. Lynch 5th, Hamilton 5th, Hardman 2d, wounded; Smith, 3d, do. Dorset artillery do. Lieutenant Brune, legion, do. Rhoads. Delaware regiment; Lamout, do. Capt. Lieut. Waters, artillery; Lt. Shoemaker, 4th; Maryland regiment, wounded; Hanson, 4th, do. do. Norris, 6th do. do. Wallace artillery; Foot legion; Mosely, artillery; Doll, Delaware regt. Skillington, do. Lt. and Adj. Penvie, do. Ensigns, Burgis, 4th Maryland regt. Roach Delaware, regiment. Volunteers, Nelson, 6th Maryland regiment, wounded, Rutledge, 4th do.

Missing. Captains Morris, 7th Maryland regiment, wounded, Gassay, 2d do. Lieut. Gassaway, 2d do. Captain Meredith, artillery, Capt. Lieut. Blair, do.

"Sir,

"The above is the most accurate return at present—those who have received slight contusions, which do not hinder their doing duty, are not included.

Your most obedient humble servant,

O. H. WILLIAMS.

Hillsborough, Aug. 29, 1780.

"N. B. Seven hundred non-commissioned officers and soldiers of the Maryland division have rejoined the army. An exact return thereof shall be sent by the next conveyance.

HORATIO GATES."

Published by order of Congress,  
CHARLES THOMSON, Sec.

New-York, Sept. 9. The following account may be depended on:—  
At the fort now called fort Ranfalaer, Sir John Johnson and Captain Brant have burnt

51 houses  
42 barns  
17 killed  
52 prisoners.

At Schoharie (burnt) 27 houses  
7 killed  
21 prisoners.

At Norman's Creek (burnt) 20 houses

Total of the rebel loss at the above three places. Houses and barns burnt 140; killed 24; prisoners 73.

Philadelphia, Augst, 12.

In Congress, June, 25, 1780.

Whereas it has been reported, in order to seduce the States of South-Carolina and Georgia from their allegiance to these United States, that a treaty of peace between America and Great-Britain was about to take place, in which those two States would be ceded to Great-Britain;

Resolved unanimously, That the said report is insidious, and utterly void of foundation; that this confederacy is most sacredly pledged to support the liberty and independency of every one of its members, and, in a firm reliance on the divine blessing, will unremittingly persevere in their exertions for the establishment of the same, and for the recovery and preservation of any and every part of these United States, that has been, or may hereafter be invaded or possessed by the common enemy.

Extract from the minutes,

CHARLES THOMSON, Sec.

Extract of a Letter from Philadelphia, Aug. 50.

"Congress has lately passed several resolutions, tending to support the credit of the new bills, viz. To call in and destroy all the continental immediately; to lay a tax, to be collected forthwith, in new bills, or silver or gold, of three millions of dollars, to be applied to pay debts and interest

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interest of loans; and recommending to the States not to emit bills on their own credit, so as to have more in circulation at any one time, than their quota of the ten millions of dollars: that what any State has emitted, be accounted part of their quota of the sum recommended by Congress on the 18th of March last. They have also agreed to make up

the depreciation on debts for supplies furnished the army, &c."

*London, Nov 10.* A gentleman lately arrived from America has brought the following list of the American forces, and the places where they were stationed on the 1st of September, 1780. The list is published by the authority of Congress.

*A list of the Land Forces of the United States of America.*

With General Washington, and in the province of New-York.

#### INFANTRY.

| Reg. | Commanders | Men | Reg. | Commanders | Men  |
|------|------------|-----|------|------------|------|
| 1.   | Putnam —   | 810 | 62.  | Madden —   | 819  |
| 2.   | Thomas —   | 751 | 63.  | O'Hara —   | 1000 |
| 6.   | Warner —   | 804 | 73.  | Thrale —   | 788  |
| 7.   | Wilcox —   | 760 | 74.  | Rimmonds — | 781  |
| 8.   | Raymond —  | 669 | 92.  | O'Madden — | 1000 |
| 23.  | Field —    | 624 | 93.  | Hunt —     | 900  |
| 25.  | Pain —     | 900 | 94.  | Flint —    | 850  |
| 30.  | Timmons —  | 696 | 95.  | Sterling — | 956  |
| 34.  | Balfaw —   | 946 | 109. | Crosseys — | 750  |
| 39.  | M'Donnel — | 576 | 121. | Edmonds —  | 1000 |
| 55.  | Foard —    | 680 | 123. | Gannon —   | 654  |
| 56.  | Minetom —  | 695 | 134. | Lawson —   | 910  |
| 57.  | M'Dowel —  | 676 | 135. | Sands —    | 1000 |
| 58.  | Wilmot —   | 596 | 136. | Manders —  | 1000 |

Total, 28 regiments—22,591 men.

#### In Virginia.

|     |              |     |      |            |     |
|-----|--------------|-----|------|------------|-----|
| 14. | Lee —        | 690 | 22.  | Arnold —   | 646 |
| 15. | Washington — | 800 | 31.  | Swan —     | 908 |
| 16. | Sams —       | 701 | 32.  | McCabe —   | 544 |
| 17. | Webster —    | 677 | 78.  | Whight —   | 927 |
| 18. | Sheprey —    | 660 | 79.  | Waringan — | 650 |
| 19. | Dickenfon —  | 700 | 80.  | Winling —  | 499 |
| 20. | Cadwall —    | 664 | 112. | Ormlston — | 665 |
| 21. | Gaynor —     | 790 | 113. | Nashe —    | 569 |

Total, 16 regiments—11,108 men.

In Boston, and in the Province of Massachusetts's Bay.

|     |            |     |     |               |     |
|-----|------------|-----|-----|---------------|-----|
| 24. | Byrne —    | 894 | 53. | Pierfon —     | 741 |
| 26. | Williams — | 850 | 54. | Daly —        | 700 |
| 27. | Grigg —    | 700 | 59. | Savage —      | 810 |
| 28. | Faltum —   | 660 | 64. | Pendergrafs — | 511 |
| 29. | Hewitt —   | 700 | 65. | Flood —       | 497 |
| 41. | Ryan —     | 699 | 66. | Lucas —       | 105 |
| 42. | Hamilton — | 990 | 67. | Mayor —       | 954 |
| 43. | Thompson — | 800 | 68. | Barrow —      | 997 |
| 44. | Hardley —  | 793 | 69. | Hiry —        | 855 |
| 45. | Swash —    | 696 | 70. | Thoranton —   | 821 |
| 46. | Poisom —   | 700 | 71. | Walsh —       | 851 |
| 47. | Willett —  | 674 | 72. | Hume —        | 791 |

O'Sullivan

|     |            |   |     |      |        |   |     |
|-----|------------|---|-----|------|--------|---|-----|
| 48. | O'Sullivan | — | 840 | 77.  | O'Mara | — | 311 |
| 49. | Hodson     | — | 777 | 84.  | Hope   | — | 700 |
| 50. | Lamb       | — | 695 | 111. | Smith  | — | 944 |
| 51. | Wen        | — | 944 | 122. | Talbot | — | 600 |
| 52. | Hammond    | — | 887 |      |        |   |     |

Total, 33 regiments—24,993 men.

Marching towards Canada.

|     |          |   |     |      |         |   |     |
|-----|----------|---|-----|------|---------|---|-----|
| 3.  | Western  | — | 659 | 103. | Blake   | — | 854 |
| 5.  | Gardiner | — | 700 | 104. | Bryan   | — | 954 |
| 60. | Upton    | — | 676 | 105. | Power   | — | 650 |
| 61. | Haley    | — | 554 | 106. | Mills   | — | 960 |
| 75. | Swamp    | — | 760 | 107. | Collier | — | 799 |
| 76. | Handley  | — | 763 | 108. | Daniel  | — | 754 |

Total, 12 regiments—9,083 men.

In Annapolis.

|      |           |   |     |      |            |   |     |
|------|-----------|---|-----|------|------------|---|-----|
| 35.  | Pemberton | — | 840 | 129. | Marhe      | — | 774 |
| 36.  | Herdar    | — | 621 | 130. | Pompat     | — | 774 |
| 37.  | Gordon    | — | 495 | 131. | Pens       | — | 789 |
| 126. | Grand     | — | 990 | 132. | Lemon      | — | 800 |
| 127. | Westema   | — | 954 | 140. | Hutchinson | — | 699 |
| 128. | Moore     | — | 664 | 141. | Templeton  | — | 744 |

Total, 12 regiments—9,144 men.

In North-Carolina.

|      |          |   |     |      |          |   |     |
|------|----------|---|-----|------|----------|---|-----|
| 81.  | Rooney   | — | 800 | 119. | Molloy   | — | 966 |
| 82.  | Schalm   | — | 750 | 120. | Dermot   | — | 590 |
| 83.  | Rogen    | — | 723 | 148. | Pungoe   | — | 191 |
| 118. | Naughton | — | 410 | 149. | Pentland | — | 900 |

Total, 8 regiments—5,327 men.

Marching from South to North-Carolina.

|      |        |   |      |      |          |   |     |
|------|--------|---|------|------|----------|---|-----|
| 33.  | Dum    | — | 694  | 116. | M'Nab    | — | 915 |
| 114. | Blofs  | — | 1000 | 117. | Tubber   | — | 846 |
| 115. | Dawson | — | 910  | 150. | Punchard | — | 876 |

Total, 6 regiments—5,241 men.

In Georgia.

|      |         |   |     |      |          |   |      |
|------|---------|---|-----|------|----------|---|------|
| 142. | Tuney   | — | 881 | 145. | Abstam   | — | 621  |
| 143. | Hampden | — | 805 | 146. | Hoboug   | — | 652  |
| 144. | McGuire | — | 765 | 147. | Thompson | — | 1611 |

Total, 6 regiments—5,335 men.

In Kent.

|      |        |   |     |      |         |   |      |
|------|--------|---|-----|------|---------|---|------|
| 38.  | Neil   | — | 740 | 138. | Bircher | — | 754  |
| 125. | Nuns   | — | 701 | 139. | Downing | — | 1000 |
| 137. | Archer | — | 662 |      |         |   |      |

Total, 5 regiments—3,857 men.

In Pennsylvania.

|     |           |   |     |     |             |   |     |
|-----|-----------|---|-----|-----|-------------|---|-----|
| 96. | Newcomb   | — | 969 | 98. | Fitzpatrick | — | 889 |
| 97. | Halfpenny | — | 974 | 99. | King        | — | 900 |

Total, 4 regiments—3,732 men.

In Albany.

|      |         |   |      |      |        |   |     |
|------|---------|---|------|------|--------|---|-----|
| 100. | Hancock | — | 1100 | 102. | Rowlan | — | 866 |
| 101. | Roval   | — | 999  | 124. | Walle  | — | 866 |

Total, 4 regiments—3,831 men.

In

| In Connecticut.                 |          |           |                   |
|---------------------------------|----------|-----------|-------------------|
| 89.                             | O'Dermot | — — — 991 | 91. Fay — — — 640 |
| 90.                             | Adams    | — — — 888 |                   |
| Total, 3 regiments — 2,519 men. |          |           |                   |

| In New-Jersey.                  |         |           |                       |
|---------------------------------|---------|-----------|-----------------------|
| 4.                              | Pribble | — — — 790 | 12. Simmons — — — 860 |
| Total, 2 regiments — 1,650 men. |         |           |                       |

| In Rhode-Island.                |          |           |                      |
|---------------------------------|----------|-----------|----------------------|
| 10.                             | Jackson  | — — — 658 | 86. Wams — — — 716   |
| 11.                             | Phillips | — — — 770 | 87. Broom — — — 716  |
| 85.                             | Wilson   | — — — 721 | 88. Handle — — — 690 |
| Total, 6 regiments — 4,271 men. |          |           |                      |

| In Philadelphia.               |     |           |                      |
|--------------------------------|-----|-----------|----------------------|
| 13.                            | Cox | — — — 784 | 40. Gibson — — — 911 |
| Total, 2 regiments — 1695 men. |     |           |                      |

| In New-London.         |                                       |        |                                          |
|------------------------|---------------------------------------|--------|------------------------------------------|
|                        | 110. Powell                           | —      | 800                                      |
| <i>Total Infantry.</i> |                                       |        |                                          |
| Regiments              | Stations                              | Men    |                                          |
| 28                     | With Gen. Washington, and in New-York | 22,591 | In Canada, 1 reg. ditto 490              |
| 16                     | In Virginia                           | 11,168 | In N. Carolina, 1 reg. ditto 410         |
| 33                     | In Boston and Massachusetts's Bay     | 24,993 | In Pennsylvania, 1 reg. ditto 490        |
| 12                     | Marching towards Canada               | 9,983  | Ditto, 1 reg. Hussars 608                |
| 12                     | In Annapolis                          | 9,144  | In N. London; 1 reg. artillery 120       |
| 8                      | In North-Carolina                     | 5,327  | In the Lower Countries, 1 reg. ditto 600 |
| 6                      | Marching from S. to North-Carolina    | 5,241  | In sundry places — 500                   |
| 6                      | In Georgia                            | 5,335  | 9 Reg. of artillery 3,122                |
| 5                      | In Kent                               | 3,857  | 3 Reg. of Hussars. 1,842                 |
| 4                      | In Pennsylvania                       | 3,732  | <i>Provincial Militia.</i>               |
| 4                      | In Albany                             | 3,831  | New-York - - - 36,600                    |
| 3                      | In Connecticut                        | 2,519  | Virginia - - - 60,000                    |
| 2                      | In New-Jersey                         | 2,650  | Georgia - - - 10,000                     |
| 6                      | In Rhode-Island                       | 4,271  | North-Carolina - - - 17,000              |
| 2                      | In Philadelphia                       | 1,695  | South-Carolina - - - 20,000              |
| 1                      | In New-London                         | 800    | Pennsylvania - - - 31,100                |
|                        |                                       |        | Connecticut - - - 30,000                 |
|                        |                                       |        | Rhode-Island - - - 21,600                |
|                        |                                       |        | New-Jersey - - - 25,500                  |
|                        |                                       |        | Massachusetts's Bay - - - 39,990         |
|                        |                                       |        | New-London - - - 26,100                  |
|                        |                                       |        | Hampshire - - - 17,700                   |
|                        |                                       |        | Lower Countries - - - 20,000             |
|                        |                                       |        | Maryland - - - 40,000                    |

148 115,177  
N. B. There is no mention in the above list of the 9th and 133d regiments.

Besides these infantry, there are now with General Washington,  
2 Regiments of artillery 803  
2 Regiments of Hussars 1234

Making together 2037  
In Virginia, 1 reg. of artillery, of — } 402

*Total Militia, 395,590.*  
*Cavalry.*  
1 Reg. with Gen. Washington 502  
1 Ditto in Pennsylvania 502  
2 Ditto in New-Jersey 963  
1967

*Recapitulation,*  
Foot regular troops — 115,177  
Artillery



|           |   |   |         |
|-----------|---|---|---------|
| Artillery | - | F | 3,122   |
| Hussars   | - | - | 1,842   |
| Militia   | - | - | 395,590 |
| Horse     | - | - | 1,969   |

Total force 517,700

Compared with the general returns made to Congress this first of Sept, 1780.

G. INGERSOL, Muster-Master-General.

*From the LONDON GAZETTE.*

*Whitcomb, Nov. 14, 1780.*

*Copy of a letter from Sir HENRY CLINTON, K. B. to Lord GEORGE GERMAIN, one of his Majesty's Principal Secretaries of State, received by Capt. ST. GEORGE, one of Sir HENRY CLINTON's Aids de Camp, who arrived from New-York in the Fortunée frigate.*

*New-York, Oct. 12, 1780.*

MY LORD,

In my separate letters of yesterday's date, I had the honour of informing your Lordship, that the American Major-general Arnold had quitted the rebel service, and joined the King's standard; and I at the same time gave your Lordship a circumstantial detail of the reasons that induced him to take this step, as well as of the unfortunate failure of a plan which I had the most sanguine hopes, if carried into execution, would have been productive of the greatest good consequences to his Majesty's service, but which terminated most fatally for Major André my Adjutant-General, who, being taken prisoner, was tried by a board of Rebel General Officers, and condemned by their sentence to suffer death; which sentence was ordered by the Rebel General Washington to be carried into execution upon this unhappy gentleman on the 2d instant. I sincerely lament the melancholy fate of the officer, who was a very valuable assistant to me, and promised to be an honour to his country, as well as an ornament to his profession.

I had the honour to transmit to your Lordship, in my dispatch, marked 104, a copy of the instructions I proposed giving to Major-general Leslie, whom I had appointed to command the expedition to Chesapeake, in order that your Lordship might be informed as to the principal objects of it.

This expedition will certainly sail the first favourable wind, troops having been embarked for some days, and every necessary arrangement made for that purpose.

Your Lordship will receive herewith a state of the troops under my command of the 1st instant, together with a distribution of the same as they stood on the 6th of that month.

I have the honour to be,  
with the greatest respect,  
Your Lordship's most obedient,  
and most humble servant,

(Signed) H. CLINTON.

*Admiralty-Office, Nov. 14, 1780.*

Captain Brisbane, late commander of his Majesty's ship Alcide, arrived at this office yesterday with dispatches from Admiral Sir George Brydges Rodney and Vice-Admiral Arbuthnot, giving an account of the arrival of the former at New-York on the 14th of September last, with 11 sail of the line of battle ships and four frigates, and of his having taken upon him the command of his Majesty's ships on that station.

*Extract of a letter from Vice-Admiral ARBUTHNOT to Mr. STEPHENS, dated on board the Royal Oak, at sea, Oct. 17, 1780.*

Having accidentally fallen in with the Fortunée, under the orders of Admiral Sir George Rodney to proceed to England, I avail myself of the opportunity to acquaint you, for their Lordships information, that I put to sea with this Squadron from Gardiner's Bay on the 10th instant, intending to cruize between the east of Long-Island and Nantucket shoals; but, on the 14th. falling in with the transports and victuallers under the escort

escort of the *Hyana*, (from which the *Adamant* had separated a few days) I judged it expedient, on account of the numbers of rebel privateers fitted out to intercept it, to see them off Sandy-Hook, which they entered yesterday.

I am now proceeding to resume the cruising station before-mentioned.

The Chevalier de Fernay and his squadron yet remain at Rhode-Island.

The squadron under my command is in the best order, and ready for any service.

Six privateers, mounting 20 guns, and manned by upward of 700 seamen, have been, since my last, captured from the rebels by his Majesty's cruizers, and carried into New-York; and this day, after a chase from the squadron, by signals, for six hours, the *Cinloden* came up with and took the privateer ship *Washington*, of Boston, mounting 20 six pounders, and 120 men.

On the 30th ult. the *Pearl*, being off Bermuda, fell in with the French frigate *L'Esperance*, of 28 twelve pounders, which after an action of two hours struck to the superior gallantry and good conduct of Capt. Montague. The prize arrived at New-York two days ago.

For the particulars of the above-mentioned action see the following extract of Capt. George Montague's letter to Admiral Sir George Brydges Rodney, dated off New-York, Oct. 25, 1780.

*Extract of a letter from Capt. GEORGE MONTAGUE of his Majesty's ship Pearl, to Sir GEORGE BRYDGES RODNEY.*

On the 30th of September we fell in with a French ship, who engaged us close for two hours, and maintained a running fight for two hours and an half more, when she struck. She proved to be *L'Esperance*, from Cape François, bound to Bourdeaux, a frigate belonging to the King, but loaded by the merchants, and having

only a letter of marque, mounting 26 twelve pounders on her main-deck, and two six pounders on her quarter-deck; with 173 men: she had 20 killed and 24 wounded. I think it is a justice due to the Captain to say, that he defended his ship with great bravery. The *Pearl* had six men killed and ten wounded; among the former was first Lieutenant Foulke of Marines, and the latter Mr. Dunbar, master.

The very cool and determined behaviour of the officers and ship's company merits my most sincere acknowledgements.

*The following is General ARNOUD'S Address to the Inhabitants of America, taken from the New York Gazette, and dated at that city, Nov. 11, 1780.*

*To the Inhabitants of America.*

"I should forfeit, even in my own opinion, the place I have so long held in yours, if I could be indifferent to your approbation, and silent on the motives which have induced me to join the King's arms.

"A very few words however shall suffice upon a subject so personal; for to the thousands who suffer under the tyranny of the usurpers in the revolted provinces, as well as to the great multitude who have long wished for its subversion, this instance of my conduct can want no vindication and as to the class of men who are criminally protracting the war from sinister views, at the expence of the public interest, I prefer their enmity to their applause. I am, therefore, only concerned in this address, to explain myself to such of my countrymen, as want abilities or opportunities to detect the artifices by which they are duped.

"Having fought by your side when the love of our country animated our arms, I shall expect, from your justice and candour, what your deceivers, with more art and less honesty

honesty, will find it inconsistent with their own views to admit.

" When I quitted domestic happiness for the perils of the field, I conceived the rights of my country in danger, and that duty and honour called me to her defence. A redress of grievances was my only object and aim; however I acquiesced in a step which I thought precipitate, the declaration of independence: to justify this measure many plausible reasons were urged, which could no longer exist, when Great Britain, with the open arms of a parent, offered to embrace us as children, and grant the wished-for redress.

" And now that the worst enemies are in her own bosom, I should change my principles, if I conspired with their designs: yourselves being judges, Was the war the less just, because fellow-subjects were considered as our foe? You have felt the torture in which we raised our arms against a brother. God incline the guilty protectors of these unnatural dissensions to resign their ambition, and cease from their delusions, in compassion to kindred blood.

" I anticipate your question, Was not the war a defensive one until the French joined in the combination? I answer, that I thought so. You will add, Was it not afterwards necessary, till the separation of the British empire was complete? By no means; in contending for the welfare of my country, I am free to declare my opinion, that this end attained, all strife should have ceased.

" I lamented therefore the impolicy, tyranny, and injustice, which, with a sovereign contempt of the people of America, studiously neglected to take their collective sentiments of the British proposals of peace, and to negotiate, under a suspension of arms, for an adjustment of differences; I lamented it as a dangerous sacrifice of the great interests of this country to the partial views of a

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proud, antient and crafty foe. I had my suspicions of some imperfections in our councils, on proposals prior to the parliamentary commission of 1778; but having then less to do in the Cabinet than the field, I will not pronounce peremptorily as some may, and perhaps justly, that Congress have veiled them from the public eye; I continued to be guided in the negligent confidence of a soldier. But the whole world saw, and all America confessed, that the overtures of the second commission exceeded our wishes and expectations, and if there was any suspicion of the national liberality, it arose from its excess.

" Do any believe we were at that time really entangled by an alliance with France? unfortunate deception! they have been duped by a virtuous credulity, in the incautious moments of intemperate passion, to give up their felicity to serve a nation wanting both the will and the power to protect us, and aiming at the destruction both of the mother country and the provinces. In the plainness of common sense, for I pretend to no casuistry, did the pretended treaty of the Court of Versailles, amount to more than an overture to America? Certainly not, because no authority had been given by the people to conclude it, nor to this very hour have they authorised its ratification. The articles of confederation remain still unsigned.

" In the firm persuasion therefore, that the private judgment of an individual citizen of this country is as free from all conventional restraints, since as before the insidious offers of France, I preferred those from Great Britain; thinking it infinitely wiser and safer to cast my confidence upon her justice and generosity, than to trust a monarchy too feeble to establish your independency, so perilous to her distant dominions; the enemy of the Protestant faith, and fraudulently

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lently avowing an affection for the liberties of mankind, while she holds her native sons in vassalage and chains.

" I affect no disguise, and therefore frankly declare, that in these principles I had determined to retain my arms and command for an opportunity to surrender them to Great Britain; and in concerting the measures for a purpose, in my opinion, as grateful as it would have been beneficial to my country, I was only solicitous to accomplish an event of decisive importance, and to prevent as much as possible, in the execution of it, the effusion of blood.

" With the highest satisfaction I bear testimony to old fellow soldiers and citizens, that I find solid ground to rely upon the clemency of our Sovereign, and abundant conviction that it is the generous intention of Great Britain not only to leave the rights and privileges of the colonies unimpaired, together with their perpetual exemption from taxation, but to superadd such further benefits as may consist with the common prosperity of the empire. In short, I fought for much less than the parent country is as willing to grant to her colonies as they can be to receive or enjoy.

" Some may think I continued in the struggle of these unhappy days too long, and others that I quitted it too soon.—To the first I reply, that I did not see with their eyes, nor perhaps had so favourable a situation to look from, and that to our common master I am willing to stand or fall. In behalf of the candid among the latter, some of whom I believe serve blindly, but honestly—in the bands I have left, I pray God to give them all the lights requisite to their own safety before it is too late; and with respect to that herd of censurers, whose enmity to me originates in their hatred to the principles by which I am now led to

devote my life to the re-union of the British empire, as the best and only means to dry up the streams of misery that have deluged this country, they may be assured, that conscious of the rectitude of my intention, I shall treat their malice and calumnies with contempt and neglect.

New-York, B. ARNOLD.  
Oct. 7, 1780.

By his Excellency Sir HENRY CLINTON, Knight of the Most Honourable Order of the Bath, General and Commander in Chief of all his Majesty's forces, within the colonies lying on the Atlantic Ocean, from Nova Scotia to West Florida, inclusive, &c. &c. &c.

#### PROCLAMATION,

Whereas there are several deserters, from the British and foreign troops under my command, who are serving with the enemy, or are concealed in the rebel country; I have thought fit to issue this my proclamation, offering a free and unlimited pardon to all such deserters, who shall surrender themselves to any of his Majesty's troops before the first day of December next.

And whereas there are many of his Majesty's European subjects at this time serving in the rebel army against their King and country, who, stung with remorse, and sensible of the heinousness of such an unnatural proceeding, would be anxious to return to their allegiance, did not their demerits, before their arrival in America, make them doubtful of meeting with protection and support within these lines.—I do therefore hereby promise to all such who shall come in before the above-mentioned first day of December, in addition to the benefits, protection, and support, to which they would be entitled under any other proclamation, to procure for them his Majesty's most gracious pardon, for all felonies and treasons (murder excepted) which they

they have heretofore been guilty of, provided they will take up arms in his service, and give their assistance to the quelling this unnatural rebellion against his government.

Given under my hand at Headquarters, in New-York, the 23d day of September, 1780.

H. CLINTON.

*By his Excellency's command,*

JOHN SMITH.

*New York, Sept. 14.* We are informed that Mr. Washington has again shifted his position, and is now posted between Paramus and English Neighbourhood.

*New-York, Sept. 23.* By a person of good reputation, and perfectly intelligent, just arrived from the Northward, we are informed, that about a fortnight ago Fort Stanwix, after having been five or six weeks closely invested, was taken by 600 British troops, commanded by a Lieutenant-colonel, supposed to be the King's, of 8th Regiment: our faithful friend, Capt. Joseph Brant, with a party of Indians, shared in the glory of this conquest. The Indians have laid waste the whole country, the Tory houses excepted, down to Schenectady, where some rebels are throwing up works to oppose the progress of the British troops and our Indian allies; the rebel women and children have retired to Albany, where, from a consciousness of their unprovoked persecutions and murders, terror and jeopardy prevail even to distraction.

*Sept. 20.* Last Saturday morning arrived in town the Right Hon. Lord Viscount Chewton, son to the Right Hon. the Earl of Waldegrave, Lieutenant-colonel Commandant of the 87th regiment; the Hon. Major Damer, son of the Right Honourable Lord Milton, Major to that Corps; the Right Hon. the Earl of Winchelsea, the Right Hon. Lord Dal-

rymple, son of the Right Hon. the Earl of Stair, and nephew of General Dalrymple, Quarter-master-general in America, Captains in that regiment; the Hon. Mr. Finch, son of the Right Hon. the Earl of Aylesford, Lieutenant, with several other officers of the same battalion, who have acted as marines on board the royal West India fleet since the month of January last.

*New-York, Sept. 20.* We are informed that one thousand Pennsylvania militia had been called out by General Reed, and were as far as Trenton, on their route to Mr. Washington's camp a few days ago.

Mr. Washington detached eight hundred of his troops, from his army to the Southward, on Monday last.

*New-York, Oct. 11.* William Hamilton and David Franks, Esqrs. of Philadelphia, are taken up at that place, by order of the Congress, and committed to gaol for practices offensive to the States of America.

*New-York, Oct. 11.* The following particulars are come to hand from the Eastward. "Colonel Bird, with detachments from the Regulars, Loyalists, and Indians, came down in June last from Niagara, on the frontiers of Virginia, and proceeded to the New Settlement of Cawtuck (lands purchased by the Congress and their adherents, allowed to settle free from taxes, accounted the finest land in America), destroyed a number of small forts, and made a number of prisoners. The Colonel intended to proceed to the falls of the Ohio; but a Colonel Clarke being sent here, with a force superior to his, he withdrew to the Shawanese towns, fortifying himself, and waiting for reinforcements: from the extraordinary mild treatment of the Colonel, most of the inhabitants of these new settlements accompanied him, preferring to settle in the countries

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countries under the King, to those of the Congress; several of them are gone to Niagara, Detroit, &c.

*New York, Oct. 11.* On Saturday the Refugee post at Bergen, under the command of Captain Thomas Ward, was attacked by a party of the American infantry and horse, consisting of two hundred men; after receiving a smart fire from the artillery and musquetry of the Refugees, assisted by cannonade from the galleys, the enemy were forced to retreat. On the preceding night, as Captain Frederick Hanfer, in the Refugee gun-boat, was rowing guard, he met, near Brown's Ferry, with a detachment of the enemy in five boats, which, it seems, were intended for the purpose of making good a retreat for the above-mentioned party, in case they should happen to be prevented from retreating by the way of Bergen: upon being hailed, and refusing to give an account of themselves, Captain Hanfer immediately fired upon them, when two of the boats struck: on which were made prisoners, four continental light infantry; the others on board made their escape by swimming on shore. Another boat was sunk, having one killed and four wounded left by the crew, who deserted her. Mr. Charles Homfray, two men, and a boy, belonging to the refugee party, who landed some time before the enemy were discovered, were taken by some American horse.

*Boston, Aug. 28.* Certain intelligence having been received at Headquarters, that Sir Henry Clinton had embarked the principal part of his force, and had proceeded to Huntington Bay, on his way to Rhode Island, to make a combined attack upon the fleet and army of our allies now there, his Excellency Gen. Washington marched from his camp at Pracknells, the 29th of July, and

crossed the North River the 31st, where a junction was formed with the troops under the command of Major-general Howe. His Excellency had resolved, in case the enemy should continue their course to Rhode-Island, to march immediately to New-York and attack it. All the necessary preparations were made for this purpose, when intelligence arrived that the enemy had put back the 31st inst. It is to be regretted that they did not go on with their intended expedition, as our allies were prepared to receive them, and they would have met with nothing but disgrace and defeat in this quarter; while in that we had reason to expect, from the number and spirit of our troops, the most decisive and glorious success. Sir Henry no doubt relinquished his project in consequence of this movement of our army; and it must be confessed, that he abandoned it with much more prudence than he undertook it. The object for which the army crossed the river being ceased, the whole recrossed the 4th inst. and were marching towards Dobb's Ferry, in the prosecution of the original plan formed for the campaign.

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*Translation of an ARRET of the French Council of State, forbidding all Captains of privateers, to ransom any of the enemy's ships at sea, dated Versailles, Oct. 11, 1780.*

*Extracted from the Registers of the Council of State.*

“His Majesty having been informed, that though the article XLI. of the declaration of the 24th of June, does not authorize the captains of privateers to ransom any ship belonging to the enemies of the state, but under certain circumstances, the ransoming of such ships is however of late become so frequent, that it is now almost daily practised, without any regard to such circumstances; and

and that independently of the loss resulting therefrom, for the ships' companies and the invalids of the marine, the ransom (whatever it may be) being always inferior to the real value of a prize, the true object of privateering, which is, to weaken the enemy's forces, by taking their ships' crews, and depriving them of their ships, is thereby totally eluded. His Majesty has therefore thought proper to put a stop to such abuses, which are as contrary to the welfare of the state as to his intentions in the encouragements which he has granted to privateers. Which meaning to enact, the King, after hearing the report, being in his Council, has forbidden, and hereby forbids all Captains and Commanders of privateers, to ransom henceforth any of the enemy's ships at sea, under pain of being deprived of their shares in the said ransoms, and rendered incapable of their functions during the space of three months; which order shall take place after the expiration of two months from the date of this present arret.

" His Majesty excepts, however, from this present order, all prizes that shall be taken in the Irish seas, in the Channel of Bristol, in that of Saint George, and to the North-West of Scotland, which the Captains of privateers may continue to ransom as heretofore.

" And it is his Majesty's will and pleasure, that none of the ransoms that shall be made in the seas here above-mentioned, shall be valid, unless the absolute necessity thereof shall be certified by a verbal process, signed by all the officers of the privateer, and by at least one third part of the crew, whenever it shall not exceed the number of thirty men, and so in proportion; and the said verbal process shall be joint to the report which is to be made to the Admiralty, and which is afterwards to be sent to the

Secretary of State for the Marine department.

" His Majesty farther commands, that all the said Captains of privateers, whenever they shall ransom any vessel in the case allowed by this present arret, shall take, for the greater security of the said ransom, five men, over and above the number of hostages usually retained, whenever the crew of the ransomed vessel shall consist of thirty men; three, if the crew shall consist only of twenty men, and two in every other case; and the said Captains of privateers shall also require, and take from the Commander of the ransomed vessel, a sufficient quantity of provisions for the maintenance of the said hostages, until their arrival at the port to which they are to be conducted.

" His Majesty, therefore, orders and enjoins to the Duke of Penthièvre, High Admiral of France, to cause this present arret to be registered in the different Courts of Admiralty, and the contents thereof to be properly executed. Done in the King's Council of State, present the King's most excellent Majesty, holden at Versailles, the 11th day of October, 1780.

(Signed) DE SARTINE.

*By the Duke of PENTHIEVRE, High Admiral of France, Governor and Lord Lieutenant for the King, in his Province of Brittany.*

Having seen the arret of the King's Council of State, as here above, and directed to us, we hereby command and enjoin to all the officers of the different Courts of Admiralty, to cause the same to be registered at their respective Courts, and all of them, in their respective places, to see the same duly executed.

Given at Paris, the 12th of October, 1780.

(Signed) L. J. M. DE BOURBON.

By his Serene Highness's command,

(Signed) DU COUDRAY.

*For*

*For the REMEMBRANCE.**Short History of the Taxation of Ancient Colonies.*

Much pains has been taken to justify the taxation of America, and all the consequences of that attempt, from the principles and practices of ancient states. And great have been the rewards to writers who have written in support of the British ministers' claims to tax the colonies in America. I think, however, that industry accursed, and those arts excusable, which we have seen so fatally employed in seducing the people of this devoted country to become partakers, and, in some degree, instruments of their country's ruin: for, I am persuaded, had not our ministers been seconded by that general zeal of much violence, but little knowledge, that of late appeared throughout the kingdom, they would not have been so forward to plunge their King, their country, and themselves, in a civil war, of which we feel the present effects with sorrow, and look to the future consequences with horror.

But there is a peculiar malignity in perverting the fountain of science to the purposes of national delusion. History is the best source of practical and useful knowledge; but if facts are entrally stated, and inferences unfairly drawn, history itself may become an insidious guide to error; it may gloss the weakest and most pernicious measures, with colours of sound policy; it may give to falsehood, an air of truth; to folly and misrule, a fictitious sanction of wisdom and experience; and it may conceal tyranny, under a mask of freedom. Is it then dealing fairly by our country, to tell us, what were the paths in which the free states of antiquity have trodden, and to mark them as the ways in which we ought to go, without informing us that those very paths led to slavery and destruction?

The subject is interesting. I shall, therefore, extract a few particulars, with fairness and impartiality.

*Carthage.*

Before I relate any particular events from the history of Carthage, permit me to mark a particularity in her fate; which is, that she did not produce one historian.—And, is it not strange, that so great a nation, if not the first to invent, yet the first that improved, encouraged, and diffused the use of letters, should be left, like the lion in the fable, without one native writer, to define her constitution, compose her annals, and preserve the fame of her statesmen and her heroes?

What we collect of Carthage is gleaned from the histories of other nations. The little information I shall send you, is taken from Polybius; but, to give all possible authority to my narrative, permit me to remind you who my author was. Polybius was a native and citizen of that famous republic of Achaia, which, though least in power, became the first state of Greece, by the reputation of wisdom and integrity in her government. Achaia was the centre of union, the arbitratrix, judge, and model of all Greece. In this government, Polybius became eminent in the several stations of soldier, statesman, philosopher, and orator. Not only the means of knowledge, but the purest sentiments of liberty were congenial to his birth and education, being the son of Lycortas, who was second to Philipæmen whilst he lived, and at his death became the first man of the state. At an early period of life, Polybius was appointed to great offices; he was minister for foreign affairs, and general of horse.

When the Romans reduced Greece to the condition of a province, they remained still jealous of the Achæians, and fearful lest some of their chiefs might incite the Grecians to aim  
once



once more at a recovery of their freedom. They, therefore, seized an hundred of the principal men of Achaia, and sent them to different prisons in Italy. In this sorrowful company was Polybius. His place of confinement was Rome; where the fame of his learning brought the great Scipio to visit him; he obtained his release, and appointed him tutor to his son. The first effort of his own liberty was to procure that of his surviving countrymen, who were but few. Though Scipio himself made the motion for their deliverance, the Senate appeared averse to compliance, till Cato gave a turn to the debate, by saying, "It was unworthy of a Roman Senate to waste time in debating, whether a few miserable Grecians should be buried at Rome, or in Greece! In the name of the Gods (said he) let the poor wretches chuse their own place of burial."

After his discharge from imprisonment, Polybius was assigned to the pitiable employment of a Roman commissary, to settle such constitutions of government, as the Senate thought fit to impose on the different states of Greece. This commission he executed so, as to give his unhappy countrymen as much comfort as they were capable of receiving.—On his return to Rome, he was taken into Scipio's family, and attended him in all his campaigns. But his time was devoted to the composing of his history. He had been an eye witness to the wreck of many a free state, and it seems his main object to warn future nations against running upon the rocks on which they split.

Happily he has not left us without his opinion pointed to the very subject of the taxation of colonies. He recapitulates, first the plea of necessity on which Carthage proceeded to tax her colonies. He then remarks, that the calamities, which

ensued, were incomparably greater than all she suffered in a war of twenty-four years duration with Rome; that the attempt to curtail the pay of the foreign mercenaries, was the spring of these calamities, which were swelled up to a torrent by the taxation of the colonies.

After summing up these facts, Polybius gives this short but important lesson: "That they who are intrusted with the administration of public affairs, ought not to form their system on the exigencies of the day, but look forward to the consequences which their measures may produce in future times."

It was my intention to say no more of Carthage than what merely relates to the taxation of her colonies. It was the close of the first war with Rome, when that measure was substantially and extensively adopted, but I wish to give you a short account of the events of that period, that you draw your own comment on *this* precedent of the taxation of colonies.—The war had lasted twenty-four years; each country had experienced great vicissitudes of fortune; each had suffered many losses of fleets and armies; and a respite became equally necessary and equally desirable on both sides. But, the peace, when obtained, was understood to be but temporary; each nation had suffered too many injuries to make a reciprocal friendship lasting; each party had gained success enough to hope for a better event of another war.—They were jealous and envious of each other; Carthage as anxious to preserve the dominion of the sea, as Rome was ambitious to wrest it from her hands.

In this situation, every ground of present necessity and of future danger called upon the government of Carthage for a supply and separation of her finances. But, there was another and more urgent distress still; for,  
such

Such had been the inattention of her Ministers, that there was no money in the Exchequer to pay off the arrears of those foreign troops, whom they had employed in Sicily.

At this dangerous and important crisis, HANNO (the chief of the party, which stood in opposition to the Bracine faction) took the lead in the affairs of Carthage. The Administration of the colonies was entirely in his hands. Hanno appears to have been a very indolent man, and a most improvident Minister; without a capacity to foresee and guard against events, but waiting always for events to be governed by them.

The body of unpaid dissatisfied mercenaries consisted of 20,000 men, proud of their services and conscious of their importance, who had withstood the whole force of Rome, and procured peace for Carthage. But to thoughtless were the Ministers, that they received this discontented army within their walls; their clamours encreased every hour. Hanno attempted to soothe them by a speech, but his eloquence, however efficient in the Senate-house, made no impression on the old soldiers. They took up arms. The Senate began a treaty; but the more concessions were offered, the higher the malecontents rose in their demands: They now required payment, at an high price, for every horse they had lost during the war, and that their arrears should be computed at the highest rate that corn had ever sold for, during the time of their service.—These demands it was impracticable either to liquidate or discharge. The Senate, therefore, resolved to oppose force to force. Hanno assumed the conduct of the war, and by the industry of the officers whom he employed in the inferior departments, having soon prepared an army, de-

feated the mercenaries in the first engagement; but presuming on their want of discipline, and that they would never be able to rally, he returned to the city as if all was over; and his officers, who were infected with the same presumption as himself, neglected to guard their camp. But these veterans, who had been trained under the great Amilcar, knew how to rally as well as to retreat; they had retired in a close compact body to an adjacent hill; from whence observing the loose and unguarded situation of their enemy, they renewed the engagement, forced the Carthaginian entrenchments, and after killing a great number, put the rest to flight, and took possession of the camp, with all the tents, baggage, and machines of war.

Hanno, either intimidated by this event, or conscious of his own inferiority to the revolted Generals, declined all opportunities (though many offered) of risking another battle; he advanced and retired, marched and counter-marched, came often close to their entrenchments, and as often retreated from them. This dilatoriness, and disgraceful conduct, obliged the Senate to remove Hanno from the command of the army, and to confer it upon Amilcar.

But the pernicious conduct of Hanno, in his department of Minister, had raised other and more dreadful enemies to his country. These were the dependent states and colonies of Carthage; which, till this unhappy period, had formed a main part of her riches and her strength. The Carthaginians were a commercial people, and maintained their greatness by trade and navigation. They had their *Navigation Act* \*, by which they restrained their colonies from trading with any other nation but their own. From these colonies they

\* The Navigation Act of Charles II. is founded on the same principles as that of Carthage.

also drew supplies of seamen, soldiers, provisions, and military stores. Now these resources not only failed, but were turned against them: But, Polybius tells us, " Their misfortunes were owing to themselves; for, on the pretence of public necessity, they had imposed a double tribute on the cities; and exacted from the country one half of the annual produce. To taxation, they super-added irritation and insult." Our historian informs us, " That contempt and hatred of the colonies was the affected tone of Hanno and his Cabinet. Such Governors as acted with justice and humanity, were disregarded by the Ministry at Carthage; whilst they who behaved with insolence and cruelty, were caressed and rewarded."

People thus injured wanted no incitements to revolt; a single message was sufficient. Great armies were soon raised in the now rebellious colonies, and the very women brought together their jewels, ornaments, and gold, which formed no inconsiderable fund towards defraying the first expences of the war.

This war lasted almost four years, with such fury, revenge, and havoc, that its enormities and horrors are not paralleled in history. More than once were the city, the state, and the very being of Carthage, on the brink of ruin; the country laid waste; many of the noblest and best citizens, and some of the most eminent commanders, put to death; several of them with horrid tortures, and every circumstance of indignity, that invention could contrive. At length, the Senate, the Generals; and the people, were reduced to such despair, that, as their last and only effort, they compelled every individual citizen to bear arms. Nor could their immediate destruction have been prevented, had it not been for the transcendent abilities of Amilcar; nor could even these have been effective.

tual, had not fortune favoured them with an accidental, unlooked-for division of the rebel forces; for, Naravasus, one of their chiefs, came over with a body of troops, just at the eve of an engagement, and enabled him to gain a victory at a time, when defeat must have been fatal. After all, the great genius of Amilcar was fain to condescend to treachery at last; for having received the rebel Generals in his tent, as Ambassadors to treat for peace, he seized their persons; and then attacking their army, by surprize, gave them a decisive blow which put an end to the war.

Let us now enquire what the Romans were doing at this juncture. We are not particularly informed; but imagination may supply the want of history; so as to describe the eye with which Rome beheld her natural enemy and rival wasting her best blood, and the remains of her impaired strength, in a civil war against those very people who had enabled her to support a war with Rome. At first, indeed, the Romans observed the late treaty, and affected to talk a language of friendship; but an event soon happened which manifested on which side their wishes lay; for some Roman merchants having attempted to supply the rebels with provisions, the Carthaginians seized the carriages, together with five hundred persons who escorted the convoy. The Senate of Rome, with great haughtiness, demanded their release, which the Carthaginians durst not refuse, and on this concession the Romans renewed their professions of friendship. But they soon threw off the mask.

In the midst of the war, the mercenaries that were garrisoned in Sardinia, revolted also, and murdered the Governor, with all the officers, civil and military, that were commissioned from Carthage. The Carthaginians sent a General of the name of Hanno; but his troops joined the rebels

rebels, seized and crucified Hanno. Soon after, these very soldiers were expelled by the Sardinians, who formed a government and constitution of their own; and the island of Sardinia thus assumed a state of independence. But when the rebellion on the continent was quelled, the Carthaginians attempted to recover Sardinia. Then the Romans interfered. Sardinia was a populous and fertile island; it had furnished great supplies of provisions during the Siliian war, and (what was still of more consideration) any part of Italy might be invaded from thence; it might serve as a station for ships, a lodgment for troops, and a repository for arms and magazines of all sorts.

Rome determined to take advantage of the distresses of Carthage, to deprive her of this valuable, and to her own state, *dangerous* possession. No sooner, therefore, did the Carthaginians attempt to bring back the Sardinians to their allegiance, than Rome took them openly into her protection, and even declared war in support of their independence.

The Carthaginians, in *their* weakened and dejected condition, could not raise their thoughts to a war with Rome. To the cession of Sardinia was added the humiliating demand of a tribute of twelve hundred talents, which they were compelled to pay, as well as submit to the loss of all the resources, consequence and power, that were annexed to the property of Sardinia.

These were the fruits that Carthage reaped from the taxation of her colonies; yet she did not only sow the seed, but, for a few seasons, gathered in the harvest of taxation; which, after all her unexampled sufferings in the late civil war, ended at last in finding herself exhausted, insulted, spoiled, and at length, *taxed* by the very people with whom, through the assistance of her colonies, and in union with them, she had

waged war, and made peace upon equal terms.

#### Rome.

I shall extract but one passage from the Roman annals on the subject of taxation. It is in the History of the Decline of the Empire. The author (Mr. Gibbons) acquaints us, "That the Roman Emperor Galerius, either to gratify his avarice, or to supply the exigencies of the state, made a strict and rigorous inquisition into the property of his subjects, for the purpose of a general taxation, both on their lands and persons. Italy had been for the space of five hundred years, ever since the conquest of Macedon, exempted from taxation. She valued this privilege the more, as it was the only distinction she enjoyed from the other subjects of the empire. She felt it not, therefore, as a violation of her property only, but it hurt her pride to lose this singular privilege." The same writer observes, that "Even when the *spirit of freedom* hath been utterly extinguished, the tamest subjects have sometimes ventured to *resist an unprecedented invasion of their property*. On this occasion (he says) the injury was aggravated by insult, and the sense of private interest was quickened by that of national honour. For, though they had long submitted to despotism in every form, they could not yet suffer Rome to be numbered among the *tributary* cities of the empire. The rising fury of the people was encouraged by the authority of the Senate; and the feeble remains of the Prætorian guards embraced this honourable pretence, to draw their swords in the service of their country, and the Emperor Galerius was *deposed*." P. 408.

#### Greece.

I have examined the history of Greece, but cannot find that any such principle as a right to tax colonies, on the ground of their being colonies, was ever held; nor, that the

the practice of taxing colonies, as colonies, did ever prevail in Greece.

The following are a few remarks on the policy of the two principle states, Sparta and Athens.

Till the battle of Marathon, Sparta had taken a decisive lead in the affairs of Greece; but so little was taxation any part of her system, that the use of gold and silver was prohibited: iron money, which would have no currency in foreign countries, was alone permitted. The character of the Spartan government is finely drawn by one of her exiled kings: "Poverty (said he) is her mother and her nurse; in abstinence, she preserves her virtue; in the school of adversity, she learns wisdom; and by the steadiness of her discipline, maintains her liberty and her power.

The whole system of Lacedæmonian policy was formed, not for conquest but defence. As often, therefore, as any neighbouring people were either oppressed, or under apprehensions of injury, Sparta was resorted to, as a sure and safe protectress. Alliances naturally court those in whom neither injustice nor violence are suspected. At Lacedæmon, therefore, where was no ambition to acquire territory, nor even the use of money allowed, there could be none of those dangers that have generally accompanied the intervention of foreign powers.

It is often supposed men naturally love that constitution of government *most*, which lays *least* restraint upon their inclinations and passions. At the first blush, it seems so; but history proves the reverse to be true. It is wonderful with what patience men submit, and with what constancy they adhere to laws, which maintain an equal liberty, and at the same time exclude licentiousness, luxury, and all temptations to extravagance and dissipation. Thro' a *course* of ages, during which the

other states of Greece, (particularly Athens) underwent many revolutions, the constitution of Sparta remained entire, without change or innovation, from its establishment by Lycurgus, till the first breach was made by Lyfander's introducing of gold and silver currency.

But the defenders of American taxation, who are so anxious to prove the rectitude of taxing colonies, from the examples of the Free States of Antiquity, use the authority of Thucydides, to shew the practice of Lacedæmon; and quote the following passage, as if translated from that great historian: "In the beginning of the Peloponnesian war, they (the Lacedæmonians) demanded a sum of money, and five hundred ships from the Colonies of Sicily and Italy."

The sentence is mis-stated and mis-quoted grossly. The term Colonies is never mentioned, nor any thing like it; the description is, "*they* who had entered into voluntary engagements with them." Nor does (Lacedæmoniois) signify that particular state, but the whole Lacedæmonian league. The true construction of the sentence is this, "The constituent parties of the Lacedæmonian league proposed to raise a navy of five hundred ships, besides what may be collected from their allies in Sicily and Italy."

But so far were the Sicilian States from acknowledging allegiance or subjection, as colonies either of Sparta or of Athens, that when the ambassadors of both nations came to ask their support against the Persians, they refused it, unless Gelon, their King, might be appointed commander in chief of the Grecian army. The demand was refused, and the Sicilians stood neuter.

The resources on which Sparta depended, were the quotas of men and money, that she stipulated with her allies, to furnish, in considera-

tion of the protection they received. She also exacted contributions on the nations she conquered, during the progress, and at the end of wars. —And, from this part of her conduct, there arises a remarkable proof of the danger of laying hands on the property of a free people, however reduced, and by long submission injured to oppression. I allude to an early period of the Lacedæmonian history, at the close of the first Messenian war.

The Messenians being entirely subdued, and having yielded to such terms as their conquerors thought fit to impose, the chief article was, "That they should cultivate all their lands, and send half the produce to Sparta." This grievous and slavish tribute was paid for thirty years together. At length their spirit broke forth; the Messenians renewed the war, rather than suffer this tax to be levied any more.—That war proved, from the variety of its disastrous events, from its duration and expence of blood, the severest contest that Sparta ever sustained.

The next enquiry goes to Athens,

The constitutional revenues of Athens consisted of the annual rents of public lands, the profits of mines, and the produce of woods; of taxes upon certain arts and handicraft trades; of a poll tax upon aliens;—and for the expences of war, and on great emergencies, they raised the supplies within the year by a poll-tax on citizens, sojourners, and freed slaves. During the monarchy, the Kings levied a tenth part of every man's substance to maintain their state; but when royalty was abolished, that tax ceased to be raised in common, but was renewed on particular and pressing occasions.

These were the only taxes levied for the use and support of the Athenian state, till the 75th Olympiad, after the famous victories of

Marathon, Plataea, Salamis, and Mycale, and after the retreat of Xerxes from Greece. A new fund of taxation was then created, For,

Notwithstanding all the defeats of his innumerable armies, the Persian monarch could not give up the vain ambition of becoming the conqueror of Greece, and was actually preparing again to invade the country with an army not inferior, either in numbers or equipment, to that with which Xerxes had crossed the Hellespont. At this alarming crisis, it was proposed, that the Grecian states should form a bond of union for their common safety and defence. For this purpose, a joint fund was necessary, to procure and maintain a fleet at sea; no single state being able of herself to supply ships enough to resist the naval force of Persia. The plan concerted was, for each confederate state to furnish a certain quota; and Sparta being still the leading power, the King, and the magistrates of that city, were to make the assessments, and the application of the revenue was to be entrusted to them.

But a concurrence of events happened, that turned the course of this arrangement from Lacedæmon to Athens.

In the progress of the Persian wars, the Spartans lost a great deal of their popularity and importance. The Asiatic Greeks had implored their assistance, but been denied it. Even at the time of actual invasion, the Lacedæmonians were slow, irresolute, and supine; whilst the Athenians were active, vigorous, and firm. The battle of Marathon was fought by the Athenians alone, the Lacedæmonians loitering on their march, on a pretence of waiting for the full of the moon. Above all, the victory at Salamis, over the Persian fleet, confirmed to the Athenians the admiration and attachment of all Greece. Their glorious spirit, on that

that occasion, is indeed unparalleled. They withdrew their families from Athens; they at once abandoned their city, their houses, and possessions; they threw themselves on board their ships to fight their enemies at sea.

The two victories at Mycale, one at sea, the other at land, were obtained the same day as that of Salamis; but after those successes, the Lacedæmonians withdrew their forces, whilst the Athenians kept an army in the country, to secure the conquests already made, and to protect the inhabitants from future assaults.

The Lacedæmonians also made a proposal, to compel the Asiatic Greeks to transplant themselves to Greece; but the Athenians undertook to protect them in their settlements.

To these general causes of disgust were added personal considerations, that helped to alienate the confederates from Sparta, and attach them to Athens. Besides the national austerity of manners, affected by the former, the particular behaviour of their King, Pausanias, was insolent and tyrannical; whilst the Athenian commanders, Aristides, Cimon, and Themistocles, were remarkable for their affability and courtesy. Plutarch says, "That Themistocles could never have vanquished his enemies by his courage, if he had not first gained the allies by his condescension."

The Spartans were not, indeed, forward of themselves to become the principals of this alliance. The levying of taxes, and conducting affairs by dint of money, was new to Sparta; it was contrary to her policy, and repugnant to the first principles of her constitution. There was, moreover, a positive law of Lycurgus, which forbade all intercourse with foreign nations; which law they must inevitably break, were they to erect themselves into a maritime power.

But the treason of Pausanias, settled the matter at once. He was convicted, and put to death for corresponding with the Persian government.

This accident determined the confederates to give their confidence to Aristides, the great statesman of Athens, so famed for his wisdom and virtue, and whose distinction was *Justice*. They elected him their treasurer, and authorized him, on his own judgment, to fix the particular sums that each State was to furnish.

Thus was the power of *levying* taxes on independent states acquired at Athens. It was a trust delegated, not to that *State*, but to a *man* of that State. The powers assigned to the trust, did not extend to the disposal of the public money, but to the assessment only. Delos was the place appointed for their bank; there the confederates, by their representatives, were to assemble at stated times, to debate and to decide on the expediency of measures, and the appropriation of their common fund.

The conditions to which the confederates bound themselves, were nothing more than to revenge the injuries that Greece had suffered from the Persians, and to preserve the nations *free* from the barbarian yoke.

We are told by Thucydides, "that till after the confederacy among the Grecian States took place, Athens had no dependent states "on whom she levied taxes, or to whom she prescribed laws."

Taxation and confederacy, therefore, bear the same date; but ignorant writers have confounded alliance with colonization. A recital of a few historical facts will shew, that alliance *was*, and that colonization was *not* the principle on which the taxes in question were levied by the government of Athens. Let us only

ask,

ask, Who the contracting parties were that bound themselves to pay taxes according to the assessments of Aristides?—They were, some of them, independent states of Greece, as the Messenians, Acarnanians, Platæans &c. some of them were the colonies of independent States, as were Corcyra and Potidæa of Corinth, and Zacynthus of Achaia, (these certainly could not be taxed as the colonies of Athens).

The others were the Asiatic Greeks, and the Samians, Chians, Lesbians, and others, who inhabited the islands in the Archipelago and the concurrent seas.

The islands had been peopled by emigrants from Greece many centuries before the æra of taxation; and in their early days became most of them considerable in trade and shipping. In the different States, they had different forms of government; in some were *absolute*, in some *limited monarchies*, and in some of them *republics*. Their governments underwent many changes and revolutions; but till they became the *allies* of Athens, none of them were subject to the controul of that republic.

The Greeks, on the continent of Asia, came originally, part from Peloponesus, part from Ionia. The former claimed Sparta for their mother country; the latter Athens. But a short account of their first settlements will make it clear, that the connection they bore with Athens was that of genealogy, not allegiance.

Indeed, I am unable to define allegiance in general terms, as relative to a colony and the mother country. If any conditions are annexed, I conceive they must either be expressed by charter, be settled by specific regulations, or have become prescriptive by usage. In no colony of *freedom* can I suppose the mother country to assume an active power over the property of its inhabitants;

it would be a contradiction in terms. Wherever a colony has been planted under the sanction of its native government, has imported its laws, been nourished by its care, and protected by its hand, there is an undoubted propriety in making requisitions on one side, and an obligation to give assistance on the other. But time and circumstances can alone determine the reasonableness of the demand, and the duty of acquiescence.

There is also a distinction to be made betwixt *colonists* and *emigrants*. By the latter I understand that any number of men, who, through choice or necessity, have quitted their native soil, taking the world before them, and fortune for their guide; but without owning any obligation or retaining any intercourse with the country they forsake. There is a passage in Thucydides which marks the distinction. It is this, "The Egestæans of Sicily, being of Ionian descent, applied for succour and protection from Athens, on the ground of their being an Athenian colony; but they were answered by Nicias (one of the best and wisest citizens that Athens ever bred) That they were mere *emigrants*, and had therefore no right to claim protection as *colonists*."

Under the same predicament as those of Sicily, were the Ionians who were settled in Asia. They owed no allegiance, nor could Athens justify the exercise of sovereignty over them.

A short account of their emigration will set the matter clear. Theseus erected a pillar on the neck of the isthmus, to fix the boundaries of the two countries; Ionia was written on one side, and Peloponesus on the other. Migrations from both countries were very frequent; but the causes were different, because the soils were of different kinds. The lands of Peloponesus (i. e. *within* the



the isthmus) were exceedingly fruitful, and therefore an alluring object to invaders; and such invasions, as used formerly to happen in Britain, were very frequent there, and the landed property changed owners as often as bands of adventurers could collect themselves into a sufficient strength to dispossess the natives.

But Ionia (the country *without* the isthmus) was rocky and barren, such as yielded no profit to invaders, and was therefore undisturbed by them.

But population increased exceedingly, both on account of trade and navigation, and the encouragement given foreigners to settle in Attica; so that the production of their lands, not being adequate to the consumption of the inhabitants, that emigration which, from Peloponnesus, was compulsive, became voluntary from Ionia; the scarcity and dearth of provisions prompting them to seek a residence where the necessaries of life were more easily to be acquired. There were not less than forty colonies of these Ionians.

Pericles, in one of his orations, mentions it as a very honourable circumstance, in the annals of his country, "That their ancestors had been for ever fixed in their native settlements." But the frequent invasions of Peloponnesus made such a change and rotation of possessors, that the inhabitants could not ascertain their genealogies; they were, therefore, looked upon as people of a spurious race.

But the certainty of their origin made the Ionians proud of it; and wherever they went, they carried that pride along with them. A grasshopper was the Athenian crest; its constancy to the ground it springs from; being an emblem of their own immemorial residence. And the Ionians who lived in Asia, to distinguish themselves from other Græcians, had grasshoppers engraved on the clasps that bound their hair. They

built a magnificent temple, called it Pan-Ionian and excluded the other Greeks from joining in their worship. This separation gave rise to the distinction of Ionians and Dorians, which divided the Græcians into two parties, like the Guelphs and Ghibelines of the German empire. In every one of their different settlements they kept up this distinction, and remained always, not only as a separate people, but hostile to each other.

It is true, they were all careful to preserve the memory of their parent states, but there is not a trace of their acknowledging any dependence upon ancient Greece. The first settlements were made at a time, of which there are no records, long before Athens herself became a free state. They had lived at least five centuries as an independent people, when Croesus conquered, and made them pay the first tribute that was ever exacted from them; when Croesus was himself conquered by Cyrus, the Asiatic Greeks, with this tribute on their estates, were assigned over to their new masters; but they revolted, and sent Ambassadors to implore the assistance of Sparta and of Athens; not as colonies (which was a claim not to have been omitted, if they had been entitled to it) but "because of their consanguinity."

The victories at Mycale restored their freedom, and exempted them, as they thought, from the imposition of all future tribute. It was not long after this event, when these Asiatic Greeks, Dorians as well as Ionians, became the allies of Athens, and agreed to be taxed by Aristides for their common defence.

Before the breaking out of the Peloponnesian war, and among the causes that led to it, was a dispute betwixt Athens and Corinth, relative to Potidæa. Potidæa was a colony of Corinth; but being a party to the great confederacy with Athens, had paid

paid her quota of taxes. The Athenians, who affected to treat their allies as their subjects, sent the Potidæans a mandate to demolish their walls, and expel the magistrates that were sent from Corinth. Here the Corinthians interposed, and resisted the mandate of the Athenians over *their* colony. But had taxation been deemed an inherent right in the mother country, Corinth would never have suffered that right above all others to have been exercised by Athens; though, as an ally, Potidæa might pay her proportion of the assessments, as adjusted by Aristides.

This historical fact, is an irrefragable proof; that alliance *was*, and that colonization *was not*, the principle on which the taxes in question were levied by the government of Athens.

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*For the REMEMBRANCER.*

As Mr. BURKE's speech, upon *declining* the poll, at Bristol, is preserved in the Remembrancer (*see page 248*) it is desired by many, that the following *extract* from his much admired speech at Guildhall, in Bristol, *previous* to the election, may also stand in the same work :

" I am sensible that no endeavours have been left untried to injure me in your opinion. But the use of character is a shield against calumny. I could wish, undoubtedly (if idle wishes were not the most idle of all things) to make every part of my conduct agreeable to every one of my constituents. But in so great a city, and so greatly divided as this, it is weak to expect it.

" Gentlemen, we must not be peevish with those who serve the people. For none will serve us whilst there is a court to serve, but those who are of a nice and jealous honour. They who think every thing, in comparison of that honour, to be dust and ashes, will not bear to have it

soiled and impaired by those, for whose sake they make a thousand sacrifices to preserve it immaculate and whole. We shall either drive such men from the public stage, or we shall send them to the court for protection; where, if they must sacrifice their reputation, they will at least secure their interest. Depend upon it, that the lovers of freedom will be free.

" At present, it is the plan of the Court to make its servants insignificant. If the people should fall into the same humour, and should choose their servants on the same principles of mere obsequiousness, and flexibility, and total vacancy or indifference of opinion in all public matters, then no part of the state will be sound; and it will be in vain to think of saving it.

" The charges against me, I think, are four in number;—my neglect of a due attention to my constituents; the not paying more frequent visits here;—my conduct on the affairs of the first Irish trade act; my opinion and mode of proceeding on Lord Beauchamp's Debtors Bills;—and my votes on the late affairs of the Roman Catholics. All of these (except perhaps the first) relate to matters of very considerable public concern; and it is not lest you should censure me improperly, but lest you should form improper opinions on matters of some moment to you, that I trouble you at all upon the subject. My conduct is of small importance.

" With regard to the first charge, my friends have spoken to me of it in the stile of amicable expostulation; not so much blaming the thing, as lamenting the effects. Others, less partial to me, were less kind in assigning the motives. I admit there is a decorum and propriety in a Member of Parliament's paying a respectful court to his constituents. If I were conscious to myself that pleasure or dissipation, or low unworthy occupa-

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pations, had detained me from personal attendance on you, I would readily admit my fault, and quietly submit to the penalty. But, Gentlemen, I live at an hundred miles distance from Bristol; and at the end of a session I come to my own house, fatigued in body and mind, to a little repose, and to a very little attention to my family and my private concerns. A visit to Bristol is always a sort of canvass; else it will do more harm than good. To pass from the toils of a session to the toils of a canvass, is the furthest thing in the world from repose. I could hardly serve you as I have done, and court you too. Most of you have heard, that I do not very remarkably spare myself in *public* business; and in the *private* business of my constituents, I have done very near as much as those who have nothing else to do. My canvass of you was not on the 'Change, nor in the county meetings, nor in the clubs of this city. It was in the House of Commons; it was at the Custom-house; it was at the Council; it was at the Treasury; it was at the Admiralty. I canvassed you through your affairs, and not your persons. I was not only your representative as a body, I was the agent, the solicitor of individuals; I ran about wherever your affairs could call me; and in acting for you, I often appeared rather as a ship-broker, than as a member of parliament. There was nothing too laborious, or too low for me to undertake. The meanness of the business was raised by the dignity of the object. If some lesser matters have slipped through my fingers, it was because I filled my hands too full; and in my eagerness to serve you, took in more than any hands could grasp. Several gentlemen stand round me who are my willing witnesses; and there are others who, if they were here, would be still better; because they would be unwilling wit-

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nesses to the same truth. It was in the middle of a summer residence in London, and in the middle of a negotiation at the Admiralty for your trade, that I was called to Bristol; and this late visit, at this late day, has been possibly in prejudice to your affairs.

"Since I have touched upon this matter, let me say, Gentlemen, that if I had a disposition, or a right to complain, I have some cause of complaint on my side. With a petition of this city in my hand, passed through the corporation without a dissenting voice, a petition in unison with almost the whole voice of the kingdom, (with whose formal thanks I was covered over) whilst I laboured on no less than five bills for a public reform, and fought, against the opposition of great abilities, and of the greatest power, every clause, and every word of the largest of those bills, almost to the very last day of a very long session; all this time a canvass in Bristol was as calmly carried on as if I were dead. I was considered as a man wholly out of the question. Whilst I watched, and fasted, and sweated in the House of Commons—by the most easy and ordinary arts of election, by dinners and visits, by "How do you do's," and, "My worthy friends," I was to be quietly moved out of my seat—and promises were made, and engagements entered into, without any exception or reserve, as if my laborious zeal in my duty had been a regular abdication of my trust.

"To open my whole heart to you on this subject, I do confess, however, that there were other times besides the two years in which I did visit you, when I was not wholly without leisure for repeating that mark of my respect. But I could not bring my mind to see you. You remember, that in the beginning of this American war (that æra of calamity, disgrace and downfall, an æra which no feeling mind will ever mention without a

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tear for England) you were greatly divided; and a very strong body, if not the strongest, opposed itself to the madness which every art and every power were employed to render popular, in order that the errors of the rulers might be lost in the general blindness of the nation. This opposition continued until after our great, but most unfortunate victory at Long-island. Then all the mounds and banks of our constancy were borne down at once; and the phrenzy of the American war broke in upon us like a deluge. This victory, which seemed to put an immediate end to all difficulties, perfected us in that spirit of domination, which our unparalleled prosperity had but too long nurtured. We had been so very powerful, and so very prosperous, that even the humblest of us were degraded into the vices and follies of kings. We lost all measure between means and ends; and our headlong desires became our politics and our morals. All men who wished for peace, or retained any sentiments of moderation, were overborne, or silenced; and this city was led by every artifice (and probably with the more management, because I was one of your members) to distinguish itself by its zeal for that fatal cause. In this temper of yours and of my mind, I should sooner have fled to the extremities of the earth, than have shewn myself here, I, who saw in every American victory (for you have had a long series of misfortunes) the germ and seed of the naval power of France and Spain, which all our heat and warmth against America was only hatching into life. I should not have been a welcome visitant with the brow and the language of such feelings. When afterwards the other face of your calamity was turned upon you, and shewed itself in defeat and distress, I shunned you full as much. I felt sorely this variety in our wretched-

ness; and I did not wish to have the least appearance of insulting you with that shew of superiority, which though it may not be assumed, is generally suspected in a time of calamity, from those whose previous warnings have been despised. I could not bear to shew you a representative whose face did not reflect that of his constituents; a face that could not joy in your joys, and sorrow in your sorrows. But time at length has made us all of one opinion; and we have all opened our eyes on the true nature of the American war, to the true nature of all its successes and all its failures.

"In that public storm too I had my feelings. I had seen blown down and prostrate on the ground several of those houses to whom I was chiefly indebted for the honour this city has done me. I confess, that whilst the wounds of those I loved were yet green, I could not bear to shew myself in pride and triumph in that place into which their partiality had brought me, and to appear at feasts and rejoicings, in the midst of the grief and calamity of my warm friends, my zealous supporters, my generous benefactors. This is a true, unvarnished, undisguised state of the affair. You will judge of it."

"This is the only one of the charges in which I am personally concerned. As to the other matters objected against me, which in their turn I shall mention to you, remember once more I do not mean to extenuate or excuse. Why should I, when the things charged are among those upon which I found all my reputation? What would be left to me, if I myself was the man, who softened, and blended, and diluted, and weakened, all the distinguishing colours of my life, so as to leave nothing distinct and determinate in my whole conduct?"

"It has been said, that it is the second charge, that in the questions of the Irish trade, I did not consult the interest

interest of my constituents, or, to speak out strongly, that I rather acted as a native of Ireland, than as an English member of parliament.

"I certainly have very warm good wishes for the place of my birth. But the sphere of my duties is my true country. It was, as a man attached to your interests, and zealous for the conservation of your power and dignity, that I acted on that occasion, and on all occasions. You were involved in the American war. A new world of policy was opened, to which it was necessary we should conform whether we would or not; and my only thought was how to conform to our situation in such a manner as to unite to this kingdom, in prosperity and in affection, whatever remained of the empire. I was true to my old, standing, invariable principle, that all things which came from Great-Britain, should issue as a gift of her bounty and beneficence, rather than as claims recovered against a struggling litigant; or at least, that if your beneficence obtained no credit in your concessions, yet that they should appear the salutary provisions of your wisdom and foresight; not as things wrung from you with your blood, by the cruel gripe of rigid necessity. The first concessions, by being (much against my will) mangled and stripped of the parts which were necessary to make out their just correspondence and connections in trade, were of no use. The next year a feeble attempt was made to bring the thing into better shape. This attempt (countenanced by the minister) on the very first appearance of some popular uneasiness, was after a considerable progress through the House, thrown out by him.

"What was the consequence? The whole kingdom of Ireland was instantly in a flame. Threatened by foreigners, and, as they thought, insulted by England, they resolved

at once to resist the power of France, and to cast off yours. As for us, we were able neither to protect nor to restrain them. Forty thousand men were raised and disciplined without commission from the Crown. Two illegal armies were seen with banners displayed at the same time, and in the same country. No executive magistrate, no judicature, in Ireland, would acknowledge the legality of the army which bore the King's commission; and no law, or appearance of law, authorised the army commissioned by itself. In this unexampled state of things, which the least error, the least trespass on the right or left, would have hurried down the precipice into an abyss of blood and confusion, the people of Ireland demand a freedom of trade with arms in their hands. They interdict all commerce between the two nations. They deny all new supplies in the House of Commons, although in time of war. They stint the trust of the old revenue, given for two years to all the King's predecessors, to six months. The British Parliament, in a former session, frightened into a limited concession by the menaces of Ireland, frightened out of it by the menaces of England, was now frightened back again, and made an universal surrender of all that had been thought the peculiar, reserved, uncommunicable rights of England:—The exclusive commerce of America, of Africa, of the West-Indies—all the enumerations of the acts of navigation—all the manufactures,—iron, glass, even the last pledge of jealousy and pride, the interest hid in the secret of our hearts, the inveterate prejudice moulded into the constitution of our frame, even the sacred fleece itself all went together. No reserve; no exception; no deception; no debate; no discussion. A sudden light broke in upon us all. It broke in, not through well-contrived and well-disposed windows,

but through flaws and breaches ; through the yawning chains of our ruin. We were taught wisdom by humiliation. No town in England presumed to have a prejudice ; or dared to mutter a petition. What was worse, the whole Parliament of England, which retained authority for nothing but surrenders, was despoiled of every shadow of its superintendence. It was, without any qualification, denied in theory, as it had been trampled upon in practice. This scene of shame and disgrace, has, in a manner whilst I am speaking, ended by the perpetual establishment of a military power, in the dominions of this Crown, without consent of the British legislature, [The Irish perpetual Mutiny Act] contrary to the policy of the constitution, contrary to the declaration of right : and by this your liberties are swept away along with your supreme authority—and both, linked together from the beginning, have, I am afraid, both together perished for ever.

“ What ! Gentlemen, was I not to foresee, or foreseeing, was I not to endeavour to save you from all these multiplied mischiefs and disgraces ? Would the little, silly, canvass prattle of obeying instructions, and having no opinions but yours, and such idle senseless tales, which amuse the vacant ears of unthinking men, have saved you from “ the pelting of the pitiless storm,” to which the loose improvidence, the cowardly rashness of those who dare not look danger in the face, so as to provide against it in time, and therefore throw themselves headlong into the midst of it, have exposed this degraded nation, beat down and prostrate on the earth, unsheltered, unarmed, unresisting ? Was I an Irishman on that day, that I boldly withstood our pride ? or on the day that I hung down my head, and wept in shame and silence over the

humiliation of Great Britain ? I became unpopular in England for the one, and in Ireland for the other. What then ! What obligation lay on me to be popular ? I was bound to serve both kingdoms. To be pleased with my service, was their affair, not mine.

“ I was an Irishman in the Irish business, just as much as I was an American, when on the same principles, I wished you to concede to America, at a time when she prayed concession at our feet. Just as much was I an American when I wished Parliament to offer terms in victory, and not to wait the well-chosen hour of defeat, for making good by weakness, and by supplication, a claim of prerogative, pre-eminence, and authority.

“ Instead of requiring it from me, as a point of duty, to kindle with your passions, had you all been as cool as I was, you would have been saved disgraces and distresses that are unutterable. Do you remember our commission ? We sent out a solemn embassy across the Atlantic ocean, to lay the Crown, the Peerage, the Commons of Great Britain, at the feet of the American Congress. That our disgrace might want no sort of brightening and burnishing, observe who they were that composed this famous embassy. My Lord Carlisle is among the first ranks of our nobility. He is the identical man who but two years before, had been put forward, at the opening of a session in the House of Lords, as the mover of an haughty and rigorous address against America. He was put in the front of the embassy of submission. Mr. Eden was taken from the office of Lord Suffolk, to whom he was then under Secretary of State ; from the office of that Lord Suffolk, who but a few weeks before, in his place in Parliament, did not deign to enquire where a Congress of vagrants was to

to be found. This Lord Suffolk sent Mr. Eden to find these vagrants, without knowing where his King's Generals were to be found, who were joined in the same commission of supplicating those whom they were sent to subdue. They enter the capital of America only to abandon it; and these assertors and representatives of the dignity of England, at the tail of a flying army, let fly their Parthian shafts of memorials and remonstrances at random behind them. Their promises and their offers, their flatteries and their menaces, were all despised; and we were saved the disgrace of their formal reception, only because the Congress scorned to receive them; whilst the State-house of independent Philadelphia opened her doors to the public entry of the Ambassador of France. From war and blood, we went to submission; and from submission, plunged back again to war and blood, to desolate and be desolated, without measure, hope, or end. I am a Royalist, I blushed for this degradation of the Crown. I am a Whig, I blushed for the dishonour of Parliament. I am a true Englishman, I felt to the quick for the disgrace of England. I am a man, I felt for the melancholy reverse of human affairs, in the fall of the first power in the world.

"To read what was approaching in Ireland, in the black and bloody characters of the American war, was a painful, but it was a necessary part of my public duty. For, Gentlemen, it is not your fond desires or mine that can alter the nature of things; by contending against which, what have we got, or shall ever get, but defeat and shame? I did not obey your instructions: No, I conformed to the intrusions of truth and nature, and maintained your interest, against your opinions, with a constancy that became me. A re-

presentative worthy of you, ought to be a person of stability. I am to look, indeed, to your opinions; but to such opinions as you and I *must* have five years hence. I was not to look to the flash of the day. I knew that you chose me, in my place, along with others, to be a pillar of the state, and not a weathercock on the top of the edifice, exalted for my levity and versatility, and of no use but to indicate the shiftings of every fashionable gale. Would to God, the value of my sentiments on Ireland and on America had been at this day a subject of doubt and discussion! No matter what my sufferings had been, so that this kingdom had kept the authority I wished it to maintain, by a grave foresight, and by an equitable temperance in the use of its power.

"The next article of charge on my public conduct, and that which I find rather the most prevalent of all, is Lord Beauchamp's bill. I mean his bill of last session for reforming the law-process concerning imprisonment. It is said, to aggravate the offence, that I treated the petition of this city with contempt even in presenting it to the House, and expressed myself in terms of marked disrespect. Had this latter part of the charge been true, no merits on the side of the question which I to k, could possibly excuse me. But I am incapable of treating this city with disrespect. Very fortunately, at this minute (if my bad eyesight does not deceive me) the worthy gentleman deputed on this business stands directly before me. To him I appeal, whether I did not, though it militated with my oldest and my most recent public opinions, deliver the petition with a strong, and more than usual recommendation to the consideration of the House, on account of the character and consequence of those who signed it. I believe the worthy gentleman will tell you, that the

\* Mr. Williams.

the very day I received it, I applied to the Solicitor, now the Attorney-general, to give it an immediate consideration; and he most obligingly and instantly consented to employ a great deal of his very valuable time, to write an explanation of the bill. I attended the committee with all possible care and diligence, in order that every objection of yours might meet with a solution; or produce an alteration. I entreated your learned Recorder (always ready in business in which you take a concern) to attend. But what will you say to those who blame me for supporting Lord Beauchamp's bill, as a disrespectful treatment of your petition, when you hear, that out of respect to you, I myself was the cause of the loss of that very bill? for the noble Lord who brought it in, and who, I must say, has much merit for this and some other measures, at my request consented to put it off for a week, which the Speaker's illness lengthened to a fortnight; and then the frantic tumult about Popery, drove that and every rational business from the House.

" Nothing remains now to trouble you with, but the fourth charge against me—the business of the Roman Catholics.

" In explaining to you the proceedings of Parliament which have been complained of, I will state to you,—first, the thing that was done;—next, the persons who did it;—and lastly, the grounds and reasons upon which the legislature proceeded in this deliberate act of public justice and public prudence.

" A statute was fabricated in the year 1699, by which the saying mass (a church-service in the Latin tongue, not exactly the same as our Liturgy, but very near it, and containing no offence whatsoever against the laws, or against good morals) was forged into a crime punishable with perpetual imprisonment. The teaching

school, an useful and virtuous occupation, even the teaching in a private family, was in every Catholic subjected to the same unproportioned punishment. Your industry, and the bread of your children, was taxed for a pecuniary reward to stimulate avarice to do what nature refused, to inform and prosecute on this law. Every Roman Catholic was, under the same act, to forfeit his estate to his nearest Protestant relation, until, through a profession of what he did not believe, he redeemed by his hypocrisy, what the law had transferred to the kinsman as the recompence of his profligacy. When thus turned out of doors from his paternal estate, he was disabled from acquiring any other by any industry, donation, or charity; but was rendered a foreigner in his native land, only because he retained the religion, along with the property, handed down to him from those who had been the old inhabitants of that land before him.

" Does any one who hears me approve this scheme of things, or think there is common justice, common sense, or common honesty in any part of it? If any does, let him say so, and I am ready to discuss the point with temper and candour. But instead of approving, I perceive a virtuous indignation beginning to rise in your minds on the mere cold stating of the statute.

" But what will you feel, when you know from history how this statute passed, and what were the motives, and what the mode of making it? A party in this nation, enemies to the system of the revolution, were in opposition to the government of King William. They knew, that our glorious deliverer was an enemy to all persecution. They knew that he came to free us from slavery and Popery, out of a country, where a third of the people are contented Catholics under a Protestant government.



ment. He came with a part of his army composed of those very Catholics, to overset the power of a Popish Prince. Such is the effect of a tolerating spirit; and so much is liberty served in every way, and by all persons, by a manly adherence to its own principles. Whilst freedom is true to itself, every thing becomes subject to it; and its very adversaries are an instrument in its hands.

“ The party I speak of (like some amongst us who would disparage the best friends of their country) resolved to make the King either violate his principles of toleration, or incur the odium of protecting Papists. They therefore brought in this bill, and made it purposely wicked and absurd that it might be rejected. The then court-party discovering their game, turned the tables on them, and returned their bill to them stuffed with still greater absurdities, that its loss might lie upon its original authors. They, finding their own ball thrown back to them, kicked it back again to their adversaries. And thus this act, loaded with the double injustice of the two parties, neither of whom intended to pass, what they hoped the other would be persuaded to reject, went through the legislature, contrary to the real wish of all parts of it, and of all the parties that composed it.

“ The effects of the act have been as mischievous, as its origin was ludicrous and shameful. From that time every person of that communion, lay and ecclesiastic, has been obliged to fly from the face of day. The clergy, concealed in garrets of private houses, or obliged to take a shelter (hardly safe to themselves, but infinitely dangerous to their country) under the privileges of foreign Ministers, officiated as their servants, and under their protection. The whole body of the Catholics, condemned to beggary and to ignorance in their native land, have been obliged to learn the principles of letters, at the hazard

of all their other principles, from the charity of your enemies. They have been taxed to their ruin at the pleasure of necessitous and profligate relations, and according to the measure of their necessity and profligacy. Examples of this are many and affecting. Some of them are known by a friend who stands near me in this hall. It is but six or seven years since a clergyman of the name of Malony, a man of morals, neither guilty nor accused of any thing noxious to the State, was condemned to perpetual imprisonment for exercising the functions of his religion; and after laying in jail two or three years, was relieved by the mercy of government from perpetual imprisonment, on condition of perpetual banishment. A brother of the Earl of Shrewsbury, a Talbot, a name respectable in this country, whilst its glory is any part of its concern, was hauled to the bar of the Old Bailey among common felons, and only escaped the same doom, either by some error in the process, or that the wretch who brought him there could not correctly describe his person; I now forget which.—In short, the persecution would never have relented for a moment, if the judges, superseding (tho’ with an ambiguous example) the strict rule of their artificial duty by the higher obligation of their conscience, did not constantly throw every difficulty in the way of such informers. But so ineffectual is the power of legal evasion against legal iniquity, that it was but the other day, that a lady of condition, beyond the middle of life, was on the point of being stripped of her whole fortune by a near relation, to whom she had been a friend and benefactor: and she must have been totally ruined, without a power of redress or mitigation from the courts of law, had not the legislature itself rushed in, and by a special act of Parliament rescued her from the injustice of

of its own statutes. One of the acts authorising such things was that which we in part repealed, knowing what our duty was; and doing that duty as men of honour and virtue, as good Protestants, and as good citizens. Let him stand forth that disapproves what we have done!

“Gentlemen, bad laws are the worst sort of tyranny. In such a country as this, they are, of all bad things, the worst, worse by far than any where else; and they derive a particular malignity even from the wisdom and soundness of the rest of our institutions. For very obvious reasons you cannot trust the Crown with a dispensing power over any of your laws. However, a government, be it as bad as it may, will, in the exercise of a discretionary power, discriminate times and persons; and will not ordinarily pursue any man, when its own safety is not concerned. A mercenary informer knows no distinction. Under such a system, the obnoxious people are slaves, not only to the government, but they live at the mercy of every individual; they are at once the slaves of the whole community, and of every part of it; and the worst and most unmerciful men are those on whose goodness they most depend.

“The act repealed was of this direct tendency; and it was made in the manner which I have related to you. I will now tell you by whom the bill of repeal was brought into Parliament. I find it has been industriously given out in this city (from kindness to me unquestionably) that I was the mover or seconder. The fact is, I did not once open my lips on the subject during the whole progress of the bill. I do not say this as disclaiming my share in that measure. Very far from it. I inform you of this fact, lest I should seem to arrogate to myself the merits which belong to others. To have been the man chosen out to redeem our fellow

citizens from slavery; to purify our laws from absurdity and injustice; and to cleanse our religion from the blot and stain of persecution, would be an honour and happiness to which my wishes would undoubtedly aspire; but to which nothing but my wishes could possibly have entitled me. That great work was in hands in every respect far better qualified than mine. The mover of the bill was Sir George Savile.

“When an act of great and signal humanity was to be done, and done with all the weight and authority that belonged to it, the world could cast its eyes upon none but him. I hope that few things, which have a tendency to bless or to adorn life, have wholly escaped my observation in my passage through it. I have sought the acquaintance of that gentleman, and have seen him in all situations. He is a true genius; with an understanding vigorous, and acute, and refined, and distinguishing even to excess; and illuminated with a most unbounded, peculiar, and original cast of imagination. With these he possesses many external and instrumental advantages; and he makes use of them all. His fortune is among the largest; a fortune which, wholly unincumbered, as it is, with one single charge from luxury, vanity or excess, sinks under the benevolence of its dispenser. This private benevolence, expanding itself into patriotism, renders his whole being the estate of the public, in which he has not reserved a *peculium* for himself of profit, diversion, or relaxation. During the session, the first in, and the last out of the House of Commons; he passes from the senate to the camp; and, seldom seeing the seat of his ancestors, he is always in Parliament to serve his country, or in the field to defend it. But in all well-wrought compositions, some particulars stand out more eminently than the rest; and the

and the things which will carry his name to posterity, are his two bills; I mean that for a limitation of the claims of the Crown upon landed estates; and this for the relief of the Roman Catholics. By the former, he has emancipated property; by the latter, he has quieted conscience; and by both, he has taught that grand lesson to government and subject—no longer to regard each other as adverse parties.

“Such was the mover of the act that is complained of by men, who are not quite so good as he is; an act, most assuredly not brought in by him from any partiality to that sect which is the object of it. For, among his faults, I really cannot help reckoning a greater degree of prejudice against that people, than becomes so wise a man. I know that he inclines to a sort of disgust, mixed with a considerable degree of asperity, to the system; and he has few, or rather no habits with any of its professors. What he has done was on quite other motives. The motives were these, which he declared in his excellent speech on his motion for the bill; namely, his extreme zeal to the Protestant religion, which he thought utterly disgraced by the act of 1699; and his rooted hatred to all kind of oppression, under any colour or upon any pretence whatsoever.

“The seconder was worthy of the mover, and the motion. I was not the seconder; it was Mr. Dunning, Recorder of this city. I shall say the less of him, because his near relation to you makes you more particularly acquainted with his merits. But I should appear little acquainted with them, or little sensible of them, if I could utter his name on this occasion without expressing my esteem for his character. I am not afraid of offending a most learned body, and most jealous of its reputation for that learning, when I say he is the first of his profession. It is a point settled

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by those who settle every thing else; and I must add (what I am enabled to say from my own long and close observation) that there is not a man, of any profession, or in any situation, of a more erect and independent spirit; of a more proud honour; a more manly mind; a more firm and determined integrity. Assure yourselves, that the names of two such men will bear a great load of prejudice in the other scale, before they can be entirely outweighed.

“With this mover, and this seconder, agreed the *whole* House of Commons; the *whole* House of Lords; the *whole* Bench of Bishops; the King; the Ministry; the Opposition; all the distinguished Clergy of the Establishment; all the eminent lights (for they were consulted) of the Dissenting churches. This according voice of national wisdom ought to be listened to with reverence. To say that all the descriptions of Englishmen unanimously concurred in a scheme for introducing the Catholic religion, or that none of them understood the nature and effects of what they were doing, so well as a few obscure clubs of people, whose names you never heard of, is shamelessly absurd. Surely it is paying a miserable compliment to the religion we profess, to suggest, that every thing eminent in the kingdom is indifferent, or even adverse to that religion, and that its security is wholly abandoned to the zeal of those, who have nothing but their zeal to distinguish them. In weighing this unanimous concurrence of whatever the nation has to boast of, I hope you will recollect, that all these concurring parties do by no means love one another enough to agree in any point, which was not both evidently and importantly right.

“To prove this; to prove, that the measure was both clearly and materially proper, I will next lay

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before

before you (as I promised) the political grounds and reasons for the repeal of that penal statute; and the motives to its repeal at that particular time.

“ Gentlemen, América — When the English nation seemed to be dangerously, if not irrecoverably divided; when one, and that the most growing branch, was torn from the parent stock, and engrafted on the power of France, a great terror fell upon this kingdom. On a sudden we awakened from our dreams of conquest, and saw, ourselves threatened with an immediate invasion; which we were, at that time, very ill prepared to resist. You remember the cloud that gloomed over us all. In that hour of our dismay, from the bottom of the hiding-places, into which the indiscriminate rigour of our statutes had driven them, came out the body of the Roman Catholics. They appeared before the steps of a tottering throne; with one of the most sober, measured, steady, and dutiful addresses, that was ever presented to the Crown. It was no holiday ceremony; no anniversary compliment of parade and show. It was signed by almost every gentleman of that persuasion, of note or property, in England. At such a crisis, nothing but a decided resolution to stand or fall with their country could have dictated such an address; the direct tendency of which was to cut off all retreat; and to render them peculiarly obnoxious to an invader of their own communion. The address shewed, what I long languished to see, that all the subjects of England had cast off all foreign views and connection, and that every man looked for his relief from every grievance, at the hands only of his own natural government.

“ It was necessary, on our part, that the natural government should shew itself worthy of that name. It was necessary, at the crisis I speak of,

that the supreme power of the state should meet the conciliatory dispositions of the subject. To delay protection, would be to reject allegiance. And why should it be rejected, or even coldly and suspiciously received? If any independent Catholic state should choose to take part with this kingdom in a war with France and Spain, that bigot (if such a bigot could be found) would be heard with little respect, who could dream of objecting his religion to an ally, whom the nation would not only receive with its freest thanks, but purchase with the last remains of its exhausted treasure. To such an ally we should not dare to whisper a single syllable of those base and invidious topics, upon which, some unhappy men would persuade the state, to reject the duty and allegiance of its own members. Is it then, because foreigners are in a condition to set our malice at defiance, that with *them*, we are willing to contract engagements of friendship, and to keep them with fidelity and honour; but that, because we conceive some descriptions of our countrymen are not powerful enough to punish our malignity, we will not permit them to support our common interest? Is it on that ground, that our anger is to be kindled by their offered kindness? Is it on that ground, that they are to be subjected to penalties, because they are willing, by actual merit, to purge themselves from imputed crimes? Left by an adherence to the cause of their country they should acquire a title to fair and equitable treatment, are we resolved to furnish them with causes of eternal enmity; and rather supply them with just and founded motives to disaffection, than not to have that disaffection in existence to justify an oppression, which, not from policy but disposition, we have pre-determined to exercise?

“ What shadow of reason could be assigned, why, at a time, when the most

most Protestant part of this Protestant empire found it for its advantage to unite with the two principal Popish States, to unite itself in the closest bonds with France and Spain, for our destruction, that we should refuse to unite with our own Catholic countrymen for our own preservation? No person ever reprobated the American war more than I did, and do, and ever shall. But I never will consent that we should lay additional voluntary penalties on ourselves, for a fault which carries but too much of its own punishment in its own nature.

"I confess to you freely, that the sufferings and distresses of the people of America in this cruel war, have at times affected me more deeply than I can express. I felt every Gazette of triumph as a blow upon my heart, which has an hundred times sink and fainted within me at all the mischiefs brought upon those who bear the whole brunt of war in the heart of their country. Yet the Americans are utter strangers to me; a nation, among whom I am not sure that I have a single acquaintance. Was I to suffer my mind to be so unaccountably warped; was I to keep such iniquitous weights and measures of temper and of reason, as to sympathise with those who are in open rebellion against an authority which I respect, at war with a country which by every title ought to be, and is most dear to me; and yet to have no feeling at all for the hardships and indignities suffered by men, who, by their very vicinity, are bound up in a nearer relation to us; who contribute their share, and more than their share, to the common prosperity; who perform the common offices of social life, and who obey the laws to the full as well as I do? Gentlemen, the danger to the State being out of the question (of which, let me tell you, statesmen themselves are apt too have but to exquisite a sense) I could assign no one reason of

justice, policy, or feeling, for not concurring most cordially, as most cordially I did concur, in softening some part of that shameful servitude, under which several of my worthy fellow-citizens were groaning.

"Important effects followed this act of wisdom. They appeared at home and abroad, to the great benefit of this kingdom; and, let me hope, to the advantage of mankind at large. It betokened union among ourselves. It shewed soundness, even on the part of the persecuted; which generally is the weak side of every community. But its most essential operation was not in England. The act was immediately, though very imperfectly, copied in Ireland; and this imperfect transcript of an imperfect act, this first faint sketch of toleration, which did little more than disclose a principle, and mark out a disposition, completed in a most wonderful manner the re-union to the state, of all the Catholics of that country. It made us, what we ought always to have been, one family, one body, one heart and soul, against the family-combination, and all other combinations of our enemies."

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*Copy of an address to the Court of Proprietors from the Committee of British subjects in Bengal. Read at a General Court at the India House on the 8th of November, 1780.*

*To the Proprietors of India Stock.*

"Gentlemen,

"The British inhabitants of Bengal having determined upon a petition to Parliament, for the redress of the grievances they suffer from the institution of the Supreme Court of Judicature; and having nominated us by ballot to take charge of it, transmit it to England, and transact the business appertaining to it; we should hold ourselves inexcusable, if we did not on this occasion, address the

B b b 2

the Proprietors of East-India Stock, who are so materially concerned in whatever relates to the welfare of Bengal.

“ A petition which has for its principal object the establishment of a trial by jury, in all cases where admitted by law in England, is the concern of every man who values the liberties of his country, and must come home to your feelings as individuals; but as Proprietors of extensive and valuable possessions, you can but consider yourselves as highly interested in the success of a petition calculated also to restrain powers, the exercise of which, if continued, must sooner or later cause the destruction of your possessions in Bengal.

“ Our complaints are not the consequence of faction or personal resentment, nor are our fears ideal; they are founded on experience and observation; but supposing for a moment, that our apprehensions as expressed in the petition, are rather the result of our feelings, than justified by any circumstances, which have hitherto happened; that the natives, patient and forbearing by habit, may yet submit to further provocation before they resist, and put off for some years longer the extirpation of the European inhabitants in Bengal; yet the powers of the Court, exercised without bound or controul, must soon produce ruin in detail, and render these kingdoms of no use or value to any possessors.

“ When the enormous expences of the Court on one side, and the loss of the revenues owing to their interference in a department, where the legislature have not granted them authority, on the other, are considered; when to these are added the amount of fines, costs, damages, and expences, incurred, in defending your servants in suits instituted against them, you will want no other evidence of the truth of our assertions. If any should be required, the

petition (entered in Fort William Consultations of Feb. 19, 1779) from the renters of the Patna province, the general complaints of your servants, and the representatives of your Governor and Council, all which are to be found upon your own records, will furnish it.

“ Apprehensive for their liberty and property, your ministerial officers can no longer act with vigour, the government of this country is relaxed in all its branches, and the strongest tendency towards anarchy and confusion prevails.

“ We call upon you, therefore, to join your utmost efforts with ours upon this occasion, from the firmest conviction, that if redress is not given, you will have ports without trade, possessions without revenue, and lands without inhabitants.”

Signed by the

Gentlemen of the Committee.

*The ADDRESS and MEMORIAL of the principal British Inhabitants of the Provinces of Bengal, Bahar, and Orissa, to the Honourable Warren Hastings, Esquire, Governor-General, and to Richard Barwell, Philip Francis, and Edward Wheler, Esquires, and Lieutenant-General Sir Eyre Coote, Knight of the Bath, Members of the Supreme Council at Fort-William in Bengal,*

Sheweth,

That your memorialists have, from the time when the Supreme Court of Judicature was established, beheld, with equal apprehension and concern, the method pursued by the Judges to extend their own authority and influence beyond those limits, to which your memorialists conceive it was the intention of the legislature they should be confined.

That it has appeared to your memorialists, that the Judges, as well by particular acts and adjudications of the court, as by the general tenor

of

of the language held from the bench, have uniformly and systematically endeavoured to establish improper distinctions in the minds of the natives, and to impress them with an idea, that the Governor-General and Council did not by law hold the government of the Provinces, but were merely the representatives of the East-India Company as a commercial body; and that the supreme authority and controul in all cases was vested in the Court of Judicature: the effect of which distinctions has been in a great measure to annihilate the authority of this government as vested in the Governor-General and Council, or at least to render it contemptible and inefficacious in the eyes of the natives.

That by several decisions of the Court, as well as by their own conduct, the Judges have introduced a levelling principle between the natives and Europeans; which your memorialists apprehend to be neither suitable to the genius and manners of the former, nor compatible with the existence of the British dominions in Bengal; and that by the general application of the laws and customs of England to cases and transactions in Asia (unless where natives of Great Britain only are concerned) the undefined and unlimited powers given to four men to decide on the rights and property of every individual, without any controul nearer than England, and from the manner in which these powers have been exercised here, innumerable hardships and unexampled difficulties and embarrassments have and must continue to take place; and that the effect of such hardships and difficulties has already been severely felt as well by the government as by individuals; and in the decline of commerce, and of that mutual trust and confidence so necessary to subsist amongst the members of the same community.

That the Governor-General and Council are, by the act of the 13th of his present Majesty, vested with the whole civil and military government of the presidency of Fort-William, and the ordering, management, and government of all the territorial acquisitions and revenues in the kingdoms of Bengal, Bahar, and Orissa, in like manner to all intents and purposes whatsoever, as the same might have been exercised by the President and Council, or a select committee in the said kingdoms.

That the country courts of justice, commonly known by the name of the Dewanny Adawluts, in which causes of property are tried between the natives, or between Europeans and such natives as may not be subject to the Supreme Court of Judicature, are neither by the late act of Parliament, nor by his Majesty's charter of justice, made subject to the jurisdiction of the Supreme Court; and that the Courts of Foujdarry Adawlut, in which criminal justice is administered to the natives, are in like manner exempted from its controul.

That nevertheless the Judges of the Supreme Court have, in various instances, which stand on your records, exercised jurisdiction in matters which merely concern the revenue, taking upon themselves not only to release defaulting renters, but to give heavy damages against your officers and delegates for necessary acts done by them in the collection of the public revenue; and that by a late decision they have declared a numerous class of the natives, on whom government depend for their resources, the farmers of the public revenue, subject to their jurisdiction, and made such natives amenable to an English court of law for all transactions had or done by them with other natives.

That in like manner they have exercised jurisdiction over the country Courts of Judicature, as well civil

as criminal, either directly over the Courts themselves, or indirectly over the persons of the Judges and officers belonging to them, not only setting aside and annulling the decisions, but decreeing enormous and most grievous damages (which in a late case amounted to perpetual imprisonment) against the parties in whose favour such decisions had been made by the country Courts, and against the Judges thereof who made them, although there was no other tribunal to which the former could have applied for redress, and although the latter were by their public duty required to afford it.

That by such interference of the Judges in matters of revenue, and exercise of jurisdiction over the country Courts, it is become extremely hazardous, if not impossible, for the officers and delegates of government to perform their several functions, since they become liable either immediately, or at any time hereafter, to be made responsible as individuals for acts done by them in a ministerial or judicial capacity, although the performance of such acts may have been indispensable from their public duty, and absolutely necessary for the peace, order, and good government of the country.

That the officers of government and Judges of the country Courts being thus intimidated from the performance of their public duty, great detriment must have arisen to the public revenue; the course of justice throughout the country is entirely stopped; the delegates of government are deprived of all authority and respect in the eyes of the natives, and the mass of the people left in a state of anarchy, without protection, or the means of obtaining redress, but by quitting their homes, and coming perhaps some hundred miles to carry on expensive and tedious suits in an English Court of law, where their causes must be tried on

principles and by rules calculated for another state of society, and in a language they do not understand.

That in many instances the Judges have endeavoured to extend their jurisdiction to the Zemindars or landholders of the provinces; and that the Sheriff has lately, without the authority or aid of the executive Magistrate, employed an armed force to execute his process on a principal Zemindar, the Rajah of Cossijurah; which has been attended with many circumstances of great violence to the inhabitants of a distant province, and and of indignity to the Rajah, and such as were extremely shocking to the prejudices of the natives in general; and that on this occasion it has appeared to your Memorialists, that government has been compelled, for the protection of the Rajah, and for the preservation of the peace of the country, to oppose such armed force, and has been reduced to the alternative either of leaving the Rajah exposed to such violence, or by opposing the judicature to give the natives an example of divisions subsisting within ourselves, and of powers militating with and operating against each other.

Your Memorialists verily believe, that no parallel can be adduced either from history, or instance shewn during the present times, of a government, or its subjects, so circumstanced as those of the provinces they reside in; and they venture to affirm, that the picture they have given of the embarrassments of administration, and perils to which every individual is exposed, is neither heightened nor exaggerated. And if, as they believe it will be admitted, a native government thus circumstanced must carry in it the seeds of its own destruction, the application is assuredly much stronger to the case of a foreign dominion situated as this is, at so great a distance from the seat of empire: where the governing people,

as



as in these provinces, bear so small a proportion to those governed; and where the existence of our dominion over the natives depends more on their opinion of our strength, and their reverence for our government, than on any real means of coercion which we possess.

And your Memorialists conceive, that the Judges of the Supreme Court could not have chosen any time more peculiarly improper to urge and contend for the extension of their jurisdiction, by which the minds of all orders of men are disgusted and alienated, than the present period, when the British nation is engaged in a critical and dangerous war, when the attention of his Majesty's Ministers and all the resources of government at home are engaged and called forth, and when the hearty union and concurrence of every British subject may be required for the defence of these distant and extensive dominions.

Your Memorialists, moved by a just sense of the dangers of their particular situation, and of the imminent hazard to which these valuable provinces stand exposed, were induced some time ago, unknown to you, to join in a general representation to the Commons of Great Britain, to whom they were informed it appertained to afford them redress: and they do not entertain a doubt, that, when their representation shall be received in England, and shall appear as an additional testimony to the remonstrances already made by the honourable the Court of Directors and your board, the wisdom of the legislature will (as soon as conveniently may be done) make suitable provisions for the remedying the evils they have set forth.

But since, from the unavoidable consequence of our extreme distance, and possibly from the uncommon embarrassments of his Majesty's Ministers, a long period of time may elapse before notice is received here

of such salutary provisions, your Memorialists have reason to apprehend, that the most fatal effects to individuals and even to the government itself may during such interval be experienced.

Your Memorialists beg leave, therefore, to address you on so trying an occasion, and humbly to solicit you "that whereas it appears, that evils of a great and alarming nature have arisen in these provinces from the exercise of the powers claimed or assumed by the Judges of the Supreme Court, which evils from the new and uncommon circumstances of the case could not have been foreseen and provided against by the legislature at the time of passing the late act, that you, as the lawful representatives of the East-India Company and British nation in Bengal, and as the trustees to them for this dominion, will until some further provision enacted by the legislature, take upon you to make such present provision apply such temporary remedies, as may appear to you in your wisdom best calculated to relieve your Memorialists from their present well-grounded apprehensions, and to preserve these provinces from the fatal effects to be expected at such a crisis, from a total relaxation or suspension, of the powers of government: and, that you will make such representations to England of the situation of your Memorialists and that of these provinces in general, as may induce our most gracious Sovereign and the Parliament to take the matter into their most serious consideration, and form an establishment better suited to the circumstances and situation of these settlements and your Memorialists, than that of the present Supreme Court of judicature.

And your Memorialists trust, that in adopting such measures as may be necessary under the present circumstances, the salutary end proposed, the strong necessity of the case, the impossibility

Ability of obtaining any other remedy, of all which your Memorialists now give their testimony, are arguments to which the greatest weight must be given on any occasion of future discussion; and such as your Memorialists apprehend will be deemed an ample and sufficient justification to you for the exercise of a necessary discretion, as well in the eye of our most gracious Sovereign and the Legislature, as in the opinion of all wise and upright men.

*London, Nov. 21.* This day, about 2.0 o'clock, Mr. John Trumbull, son of Governor Trumbull, of Connecticut, in America, was examined at the Public-office in Bow-street, before Sampson Wright, Esq. and Mr. Addington, when three letters, among others found in his possession, were produced, and read in evidence against him; of which the following are copies, viz,

[ No. I. ]

*London, Sept. 8th, 1780.*

" Hon. Sir,

" In two letters, which I have written you lately from this place, I have said as much as fitting on political news. I write this at the request of Mr. Temple, who means to follow soon to America; who wishes to be received as a deserving friend to his country. While he expects that weak and wicked men may attempt to injure his reputation, I feel myself happy in having it in my power, from my situation, to obviate every insinuation which may be made to you, and to say, that his residence in this country since he last left Boston, has been essentially serviceable to the cause of America, by giving such ideas of her temper, and resources, as have preserved steady to her interests, the few noble friends she has in both Houses of Parliament, and staggered her numerous enemies. The Duke of R——, Mr. D. Hartley, Dr. Price, and

names of similar dignity and principles, are Mr. Temple's acquaintances here; and among such names, his principles or integrity cannot be doubted. His desire is to return to Europe, in some public character, as he formerly talked to you; I cannot but most heartily wish him success in his pursuit, and the particular favour and attention of my friends to his interests. With sincere affection to all my friends, I subscribe myself, honoured Sir, your most dutiful son,

JOHN TRUMBULL.

*Gov. Trumbull.*

[ No. II. ]

*Passy, Oct. 3, 1780.*

" Dear Sir,

" Your favour by Mr. Hartley I duly received. It is true we have had some late arrivals from America, but no letters have come here for you. If any do, I shall forward them as you direct.

" My grandfather directs me to make you his best compliments, and likewise to Mr. Tyler, to whom I beg you to present mine; and believe me very sincerely, dear Sir, your friend and humble servant,

W. T. FRANKLIN."

*J. Trumbull, Esq. London.*

[ No. III. ]

" Dear Sir,

" I have this moment received your very friendly and polite letter, and sincerely thank you for its contents. Your observations are very just, and I shall, in every particular, follow your advice.

" Since I wrote to you, I have had some conversation with my father, on the subject of my intended expedition; and, as he strongly opposes my thoughts of going by the way of the West-Indies, and at the same time warmly recommended our old route by Ostend and France, I am a little dubious how to act, but shall, I believe, relinquish my original plan, and adopt the last. In that case, the providing myself with camp equipage here

here would be unnecessary, from the impossibility of conveying it with me; at the same time that I shall, in the kingdom of our dear and great ally, be able to procure myself every thing that is necessary and as good in quality as in London. From these considerations, request our mutual friend Waters not to execute my late orders, until he hears farther from me, and, if he has already given his directions, to stop them, as in the course of a few days I shall be finally resolved.

"I shall rejoice to join you in any plan that you and Waters may adopt, and hope in God, that your expectations may not be disappointed. A direct conveyance is certainly of all others to be preferred; but should your present hopes not be realized, what other schemes have you, and when do you expect to leave England? If you will not look upon one as an intruder, I will accompany you in any way that promises to lead to the desired port. I shall hold myself in readiness to obey the summons, and will, at any time, leave this in twenty-four hours. As I shall anxiously wait the issue of your deliberations; be so obliging as to drop me a line upon the receipt of this, and at the same time send me your direction.

"The papers mention, that Mr. L—— is permitted to walk about the Tower; is the report founded in fact?—Remember me kindly to Waters and Tyler, and believe me,  
Sincerely your's,

WILLIAM WHITE."

*Lyme, in Dorset, Nov. 1780.*

*John Trumbull, Esq. in the  
care of Mr. Waters, No.  
23, Villers-street, Strand,  
London.*

Mr. Bond being sworn, deposed, that the letter (No. I.) he found upon the person of Mr. Trumbull, and those marked No. II. and III. in his bureau, at his residence in George-

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street, York-buildings, at a Mr. Bushel's; that the prisoner behaved much like a gentleman, making no attempt to escape, only desiring to go to the necessary; which Mr. Bond said he could not consent to, till he had first delivered up the papers that were about him; under an apprehension that he wanted by this pretext to make away with them.

Justice Wright now addressing Mr. Trumbull, said, it was necessary he should interrogate him a little further relative to the above extraordinary correspondence; but humanely intimated at the same time, if it appeared to him that any question came from the bench that might materially affect him, he was under no necessity of answering it. Mr. Trumbull's replies to the several interrogatories, amounted to the following narrative, viz. "That he was the son of John Trumbull, Esq. now Governor of Connecticut, an office his father had enjoyed previous to the breaking out of the American war, which, unlike the other colonies, was elective in the province only, and that even without his Majesty's approbation: that he still possessed the government under the American Congress: that he himself, soon after the commencement of the war, was made Deputy Adjutant-general of the American forces, with the titular rank of Colonel; but that he ceased to be a military man, when he threw up his Adjutant-generalship, 22d February, 1777, and embarked for Europe, on board the *Nerefs*, Captain Landoff, with Mr. Tyler, a Major in the American service; and that they were landed at Nantz in May, after a few weeks voyage. From thence he and Mr. Tyler went to Paris; where soon after he confessed to have been well received by Doctor Franklin, and to have been upon very intimate terms with Mr. W. T. Franklin, the Doctor's grandson: that last summer he and Mr. Tyler took a

C c c

passage

passage on board the *Ostend* packet, (neither the name or Captain of which he could recollect) and arrived in England the beginning of July. That the profession he had in view on his arrival, was *painting*; which Mr. West, the historical painter, could inform the bench fully of, as well as the manner how he usually spent his time: that he and Tyler lodged together, in George-street, York-buildings: that he had very little connection with Tyler since their arrival in England, their dispositions being widely different; Mr. Tyler being a man of pleasure, and he of quite a contrary turn. As to Mr. White he knew nothing further of him than a common-place acquaintance, whom he accidentally met at Vauxhall, not even having learned his profession or connections. All things therefore being duly weighed, he conceived he was entitled to his liberty, being fully entitled, in his own opinion, to the benefit of his Majesty's proclamation, which preceded the resignation of his American employment. But being asked here, whether he had any proof of having made the necessary surrender? he replied, he had not.

The bench having heard every thing he had to offer in his defence, signed his warrant of commitment for the New Prison, Clerkenwell, on account of the present unimpaired state of Newgate.

Mr. Trumbull now asked Mr. Wright, whether he might write a note to Mr. West, informing him of his situation? which was granted him. He further hoped, that he should meet with all the indulgence that could be allowed him, viz. to see his friends: to which Mr. Wright answered, "By all means; as to his friends visiting him, he could have no objection; for though in commitments to the Tower, for high treason, warrants of the Secretary of State generally expressed, that they should be committed close prisoners;

Justices of the Peace were only authorized to commit to the safe custody of the several goalers."

He is a genteel looking man, about thirty-five years of age, and rather of a fallow complexion; appears to possess a clear and manly understanding, and conducted himself through the whole of this trying scene with a collected fortitude, highly becoming his situation.—— He is confined among the common felons.

The following letters were found among Mr. Laurens's papers.

*From the Council of Massachusetts's Bay.*

*Council Chamber, Boston, Nov. 3, 1778.*

SIR,

"The Hon. John Temple, Esq. having, on his arrival into this State, waited on this Board, and given a most explicit declaration of the principles which induced him to return to America, and explained the necessity of coming through the channel he did, the Board considering the laudable and exemplary conduct of that gentleman during his former residence in this State, in the offices he sustained under the Crown of Great-Britain, and his exertions to counteract the measures of those who were for promoting the tyranny of Great Britain towards these States, and also his attachment and kind offices exercised to them while in England, to the risk even of life, (not to mention a great sacrifice in the loss of a very profitable commission under the Crown, and other sufferings in consequence of his conduct and attachment as aforesaid) induce the Board, in justice to Mr. Temple's merit, to declare, we have no reason to doubt that gentleman's retaining the warmest affection and regard to his country, which some of the members of your honourable body have had full evidence of in time past; and therefore will, with great satisfaction

tion, take this opportunity to recommend him to the notice of the honourable Congress, as he intends to pay his respects to them. In the name and behalf of the Council, I am, Sir, with great respect, your very humble servant,

JEER. POWELL, President,"

"Hon. Henry Laurens, Esquire."

Lebanon, 16th Nov. 1778.

(C O P Y.)

SIR,

"This letter will be delivered by the Hon. JOHN TEMPLE, Esq.—He hath done and suffered much for the cause of this his native, and much injured country.

I had the pleasure of conversing with him when returning from Great Britain, via New-York to Boston, and now on his journey to Philadelphia.—He is well acquainted with the public men and measures in the British Court.—He appears a warm and real friend to our American liberties and independence.

"I recommend him to your regard, trusting he will meet the esteem and respect due to his services, sufferings, and merit. I am, with great esteem and regard,

SIR,

"Your obedient humble servant,

"JOHN TRUMBULL."

"Hon. President Laurens."

(C O P Y.)

Head-Quarters, Fredericksburg, 23d

Nov. 1778.

"SIR,

"John Temple, Esquire will have the honour of presenting this to your Excellency. I do not know what Mr. Temple's views are; but it seems he has some application to make to Congress. I never had, till now, the pleasure of a personal acquaintance with him, but, from the terms in which Mr. Bowdoin speaks of him, as your Excellency will perceive by the inclosed letter, and from other recommendations I have had of him, I consider him as a gentleman of sense and merit, and of warm attach-

ment to the rights of his country, for which he appears to have suffered greatly in the present contest.

I have the honour to be,

With the highest respect,

Your Excellency's

Most obedient servant,

GEO. WASHINGTON."

His Excellency Henry Laurens.

*Extract of a letter found among Mr. LAURENS's papers from Doctor FRANKLIN to the Committee of Congress, for Foreign Affairs, dated Passy, May 26. 1779-*

C O P Y.

"Doctor PRICE whose assistance was requested by Congress, has declined that service, as you will see by the copy of his letter inclosed."

*Doctor PRICE's letter to the Commissioners at the Court of France."*

London, January 18, 1779.

"Doctor PRICE returns his best thanks to the Hon. Benjamin Franklin, Arthur Lee, and John Adams, Esq. for conveying to him the Resolution of Congress of the 6th of October last, by which he is invited to become a Member of the United States, and to give his assistance in regulating their finance. It is not possible for him to express the sense he has of the honour which this resolution does him, and the satisfaction with which he reflects on the favourable opinion of him which has occasioned it. But he knows himself not to be sufficiently qualified for giving such assistance; and he is so connected in this country, and also advancing so fast into the evening of life, that he cannot think of a removal. He requests the favour of the Honourable Commissioners to transmit this reply to Congress, with assurances, that Doctor Price feels the warmest gratitude for the notice taken of him, and that he looks to the American states as now the hope; and likely soon to become the refuge of mankind!"

"A true copy from the original.

"Attest.

"W. S. FRANKLIN."

Princeton,

*Princeton, Nov. 29, 1778.*

" SIR,

" Notwithstanding my natural, or rather political jealousy and suspicion, and the reports that were circulated concerning the bearer of this, the *Hon. John Temple, Esq.* on his first arrival in America; yet from the abundant testimonials which he has laid before me, and from the whole course of his conversation, I am so convinced of his attachment to, and sufferings for the cause of America, that I think it but common justice to that gentleman to declare such my conviction.

" I believe Mr. Temple to be both able and willing to serve our cause, and am sure that Congress has sufficient judgment to distinguish our friends, and sufficient gratitude to reward their merits.

I have the honour to be,  
with the greatest esteem,  
your Excellency's  
most obedient,  
and most humble servant,  
WILLIAM LIVINGSTON."

*His Excellency Henry  
Laurens, Esq. Pre-  
sident of Congress.*

END OF THE TENTH VOLUME,







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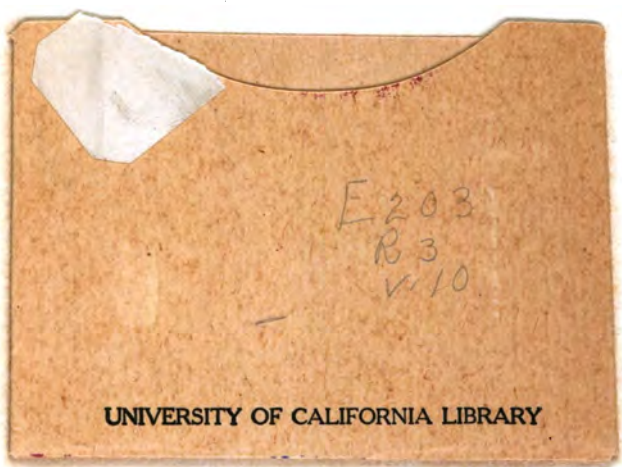
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